

110TH CONGRESS
2D SESSION

H. R. 7221

AN ACT

To amend the McKinney-Vento Homeless Assistance Act to
reauthorize the Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Homeless Emergency Assistance and Rapid Transition
 4 to Housing Act of 2008”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definition of homelessness.
- Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

- Sec. 101. Definitions.
- Sec. 102. Community homeless assistance planning boards.
- Sec. 103. General provisions.
- Sec. 104. Protection of personally identifying information by victim service providers.
- Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

- Sec. 201. Grant assistance.
- Sec. 202. Eligible activities.
- Sec. 203. Participation in Homeless Management Information System.

TITLE III—CONTINUUM OF CARE PROGRAM

- Sec. 301. Continuum of care.
- Sec. 302. Eligible activities.
- Sec. 303. High performing communities.
- Sec. 304. Program requirements.
- Sec. 305. Selection criteria, allocation amounts, and funding.
- Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

- Sec. 401. Rural housing stability assistance.
- Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

- Sec. 501. Repeals.
- Sec. 502. Conforming amendments.
- Sec. 503. Effective date.
- Sec. 504. Regulations.
- Sec. 505. Amendment to table of contents.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) a lack of affordable housing and limited
4 scale of housing assistance programs are the pri-
5 mary causes of homelessness; and

6 (2) homelessness affects all types of commu-
7 nities in the United States, including rural, urban,
8 and suburban areas.

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to consolidate the separate homeless assist-
11 ance programs carried out under title IV of the
12 McKinney-Vento Homeless Assistance Act (con-
13 sisting of the supportive housing program and re-
14 lated innovative programs, the safe havens program,
15 the section 8 assistance program for single-room oc-
16 cupancy dwellings, and the shelter plus care pro-
17 gram) into a single program with specific eligible ac-
18 tivities;

19 (2) to codify in Federal law the continuum of
20 care planning process as a required and integral
21 local function necessary to generate the local strate-
22 gies for ending homelessness; and

23 (3) to establish a Federal goal of ensuring that
24 individuals and families who become homeless return
25 to permanent housing within 30 days.

1 **SEC. 3. DEFINITION OF HOMELESSNESS.**

2 (a) IN GENERAL.—Section 103 of the McKinney-
3 Vento Homeless Assistance Act (42 U.S.C. 11302) is
4 amended—

5 (1) by redesignating subsections (b) and (c) as
6 subsections (c) and (d); and

7 (2) by striking subsection (a) and inserting the
8 following:

9 “(a) IN GENERAL.—For purposes of this Act, the
10 terms ‘homeless’, ‘homeless individual’, and ‘homeless per-
11 son’ means—

12 “(1) an individual or family who lacks a fixed,
13 regular, and adequate nighttime residence;

14 “(2) an individual or family with a primary
15 nighttime residence that is a public or private place
16 not designed for or ordinarily used as a regular
17 sleeping accommodation for human beings, including
18 a car, park, abandoned building, bus or train sta-
19 tion, airport, or camping ground;

20 “(3) an individual or family living in a super-
21 vised publicly or privately operated shelter des-
22 ignated to provide temporary living arrangements
23 (including hotels and motels paid for by Federal,
24 State, or local government programs for low-income
25 individuals or by charitable organizations, con-
26 gregate shelters, and transitional housing);

1 “(4) an individual who resided in a shelter or
2 place not meant for human habitation and who is
3 exiting an institution where he or she temporarily
4 resided;

5 “(5) an individual or family who—

6 “(A) will imminently lose their housing, in-
7 cluding housing they own, rent, or live in with-
8 out paying rent, are sharing with others, and
9 rooms in hotels or motels not paid for by Fed-
10 eral, State, or local government programs for
11 low-income individuals or by charitable organi-
12 zations, as evidenced by—

13 “(i) a court order resulting from an
14 eviction action that notifies the individual
15 or family that they must leave within 14
16 days;

17 “(ii) the individual or family having a
18 primary nighttime residence that is a room
19 in a hotel or motel and where they lack the
20 resources necessary to reside there for
21 more than 14 days; or

22 “(iii) credible evidence indicating that
23 the owner or renter of the housing will not
24 allow the individual or family to stay for
25 more than 14 days, and any oral statement

1 from an individual or family seeking home-
2 less assistance that is found to be credible
3 shall be considered credible evidence for
4 purposes of this clause;

5 “(B) has no subsequent residence identi-
6 fied; and

7 “(C) lacks the resources or support net-
8 works needed to obtain other permanent hous-
9 ing; and

10 “(6) unaccompanied youth and homeless fami-
11 lies with children and youth defined as homeless
12 under other Federal statutes who—

13 “(A) have experienced a long-term period
14 without living independently in permanent
15 housing;

16 “(B) have experienced persistent instability
17 as measured by frequent moves over such pe-
18 riod; and

19 “(C) can be expected to continue in such
20 status for an extended period of time because of
21 chronic disabilities, chronic physical health or
22 mental health conditions, substance addiction,
23 histories of domestic violence or childhood
24 abuse, the presence of a child or youth with a
25 disability, or multiple barriers to employment.

1 “(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS
2 OR LIFE-THREATENING CONDITIONS.—Notwithstanding
3 any other provision of this section, the Secretary shall con-
4 sider to be homeless any individual or family who is flee-
5 ing, or is attempting to flee, domestic violence, dating vio-
6 lence, sexual assault, stalking, or other dangerous or life-
7 threatening conditions in the individual’s or family’s cur-
8 rent housing situation, including where the health and
9 safety of children are jeopardized, and who have no other
10 residence and lack the resources or support networks to
11 obtain other permanent housing.”.

12 (b) REGULATIONS.—Not later than the expiration of
13 the 6-month period beginning upon the date of the enact-
14 ment of this Act, the Secretary of Housing and Urban
15 Development shall issue regulations that provide sufficient
16 guidance to recipients of funds under title IV of the
17 McKinney-Vento Homeless Assistance Act to allow uni-
18 form and consistent implementation of the requirements
19 of section 103 of such Act, as amended by subsection (a)
20 of this section. This subsection shall take effect on the
21 date of the enactment of this Act.

22 (c) CLARIFICATION OF EFFECT ON OTHER LAWS.—
23 This section and the amendments made by this section
24 to section 103 of the McKinney-Vento Homeless Assist-
25 ance Act (42 U.S.C. 11302) may not be construed to af-

1 fect, alter, limit, annul, or supersede any other provision
2 of Federal law providing a definition of “homeless”,
3 “homeless individual”, or “homeless person” for purposes
4 other than such Act, except to the extent that such provi-
5 sion refers to such section 103 or the definition provided
6 in such section 103.

7 **SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOME-**
8 **LESSNESS.**

9 (a) IN GENERAL.—Title II of the McKinney-Vento
10 Homeless Assistance Act (42 U.S.C. 11311 et seq.) is
11 amended—

12 (1) in section 201 (42 U.S.C. 11311), by insert-
13 ing before the period at the end the following
14 “whose mission shall be to coordinate the Federal
15 response to homelessness and to create a national
16 partnership at every level of government and with
17 the private sector to reduce and end homelessness in
18 the Nation while maximizing the effectiveness of the
19 Federal Government in contributing to the end of
20 homelessness”;

21 (2) in section 202 (42 U.S.C. 11312)—

22 (A) in subsection (a)—

23 (i) by redesignating paragraph (16) as
24 paragraph (22); and

1 (ii) by inserting after paragraph (15)
2 the following:

3 “(16) The Commissioner of Social Security, or
4 the designee of the Commissioner.

5 “(17) The Attorney General of the United
6 States, or the designee of the Attorney General.

7 “(18) The Director of the Office of Manage-
8 ment and Budget, or the designee of the Director.

9 “(19) The Director of the Office of Faith-Based
10 and Community Initiatives, or the designee of the
11 Director.

12 “(20) The Director of USA FreedomCorps, or
13 the designee of the Director.”;

14 (B) in subsection (c), by striking “annu-
15 ally” and inserting “four times each year, and
16 the rotation of the positions of Chairperson and
17 Vice Chairperson required under subsection (b)
18 shall occur at the first meeting of each year”;
19 and

20 (C) by adding at the end the following:

21 “(e) ADMINISTRATION.—The Executive Director of
22 the Council shall report to the Chairman of the Council.”;

23 (3) in section 203(a) (42 U.S.C. 11313(a))—

1 (A) by redesignating paragraphs (1), (2),
2 (3), (4), (5), (6), and (7) as paragraphs (2),
3 (3), (4), (5), (9), (10), and (11), respectively;

4 (B) by inserting before paragraph (2), as
5 so redesignated by subparagraph (A), the fol-
6 lowing:

7 “(1) not later than 12 months after the date of
8 the enactment of the Homeless Emergency Assist-
9 ance and Rapid Transition to Housing Act of 2008,
10 develop, make available for public comment, and
11 submit to the President and to Congress a National
12 Strategic Plan to End Homelessness, and shall up-
13 date such plan annually;”;

14 (C) in paragraph (5), as redesignated by
15 subparagraph (A), by striking “at least 2, but
16 in no case more than 5” and inserting “not less
17 than 5, but in no case more than 10”;

18 (D) by inserting after paragraph (5), as so
19 redesignated by subparagraph (A), the fol-
20 lowing:

21 “(6) encourage the creation of State Inter-
22 agency Councils on Homelessness and the formula-
23 tion of jurisdictional 10-year plans to end homeless-
24 ness at State, city, and county levels;

- 1 “(7) annually obtain from Federal agencies
2 their identification of consumer-oriented entitlement
3 and other resources for which persons experiencing
4 homelessness may be eligible and the agencies’ iden-
5 tification of improvements to ensure access; develop
6 mechanisms to ensure access by persons experi-
7 encing homelessness to all Federal, State, and local
8 programs for which the persons are eligible, and to
9 verify collaboration among entities within a commu-
10 nity that receive Federal funding under programs
11 targeted for persons experiencing homelessness, and
12 other programs for which persons experiencing
13 homelessness are eligible, including mainstream pro-
14 grams identified by the Government Accountability
15 Office in the reports entitled ‘Homelessness: Coordi-
16 nation and Evaluation of Programs Are Essential’,
17 issued February 26, 1999, and ‘Homelessness: Bar-
18 riers to Using Mainstream Programs’, issued July 6,
19 2000;
- 20 “(8) conduct research and evaluation related to
21 its functions as defined in this section;
- 22 “(9) develop joint Federal agency and other ini-
23 tiatives to fulfill the goals of the agency;”;

1 (E) in paragraph (10), as so redesignated
2 by subparagraph (A), by striking “and” at the
3 end;

4 (F) in paragraph (11), as so redesignated
5 by subparagraph (A), by striking the period at
6 the end and inserting a semicolon;

7 (G) by adding at the end the following new
8 paragraphs:

9 “(12) develop constructive alternatives to crim-
10 inalizing homelessness and eliminate laws and poli-
11 cies that prohibit sleeping, feeding, sitting, resting,
12 or lying in public spaces when there are no suitable
13 alternatives, result in the destruction of a homeless
14 person’s property without due process, or are selec-
15 tively enforced against homeless persons; and

16 “(13) not later than the expiration of the 6-
17 month period beginning upon completion of the
18 study requested in a letter to the Acting Comptroller
19 General from the Chair and ranking member of the
20 House Financial Services Committee and several
21 other members regarding various definitions of
22 homelessness in Federal statutes, convene a meeting
23 of representatives of all Federal agencies and com-
24 mittees of the House of Representatives and the
25 Senate having jurisdiction over any Federal program

1 to assist homeless individuals or families, local and
2 State governments, academic researchers who spe-
3 cialize in homelessness, nonprofit housing and serv-
4 ice providers that receive funding under any Federal
5 program to assist homeless individuals or families,
6 organizations advocating on behalf of such nonprofit
7 providers and homeless persons receiving housing or
8 services under any such Federal program, and home-
9 less persons receiving housing or services under any
10 such Federal program, at which meeting such rep-
11 resentatives shall discuss all issues relevant to
12 whether the definitions of ‘homeless’ under para-
13 graphs (1) through (4) of section 103(a) of the
14 McKinney-Vento Homeless Assistance Act, as
15 amended by section 3 of the Homeless Emergency
16 Assistance and Rapid Transition to Housing Act of
17 2008, should be modified by the Congress, including
18 whether there is a compelling need for a uniform
19 definition of homelessness under Federal law, the ex-
20 tent to which the differences in such definitions cre-
21 ate barriers for individuals to accessing services and
22 to collaboration between agencies, and the relative
23 availability, and barriers to access by persons de-
24 fined as homeless, of mainstream programs identi-
25 fied by the Government Accountability Office in the

1 two reports identified in paragraph (7) of this sub-
2 section; and shall submit transcripts of such meet-
3 ing, and any majority and dissenting recommenda-
4 tions from such meetings, to each committee of the
5 House of Representatives and the Senate having ju-
6 risdiction over any Federal program to assist home-
7 less individuals or families not later than the expira-
8 tion of the 60-day period beginning upon conclusion
9 of such meeting.”.

10 (4) in section 203(b)(1) (42 U.S.C.
11 11313(b))—

12 (A) by striking “Federal” and inserting
13 “national”;

14 (B) by striking “; and” and inserting “and
15 pay for expenses of attendance at meetings
16 which are concerned with the functions or ac-
17 tivities for which the appropriation is made;”;

18 (5) in section 205(d) (42 U.S.C. 11315(d)), by
19 striking “property.” and inserting “property, both
20 real and personal, public and private, without fiscal
21 year limitation, for the purpose of aiding or facili-
22 tating the work of the Council.”; and

23 (6) by striking section 208 (42 U.S.C. 11318)
24 and inserting the following:

1 **“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this title \$3,000,000 for fiscal year 2009 and such sums
4 as may be necessary for fiscal years 2010. Any amounts
5 appropriated to carry out this title shall remain available
6 until expended.”.

7 (b) **EFFECTIVE DATE.**—The amendments made by
8 subsection (a) shall take effect on, and shall apply begin-
9 ning on, the date of the enactment of this Act .

10 **TITLE I—HOUSING ASSISTANCE**
11 **GENERAL PROVISIONS**

12 **SEC. 101. DEFINITIONS.**

13 Subtitle A of title IV of the McKinney-Vento Home-
14 less Assistance Act (42 U.S.C. 11361 et seq.) is amend-
15 ed—

16 (1) by striking the subtitle heading and insert-
17 ing the following:

18 **“Subtitle A—General Provisions”;**

19 (2) by redesignating sections 401 and 402 (42
20 U.S.C. 11361, 11362) as sections 403 and 406, re-
21 spectively; and

22 (3) by inserting before section 403 (as so redes-
23 igned by paragraph (2) of this section) the fol-
24 lowing new section:

25 **“SEC. 401. DEFINITIONS.**

26 “For purposes of this title:

1 “(1) AT RISK OF HOMELESSNESS.—The term
2 ‘at risk of homelessness’ means, with respect to an
3 individual or family, that the individual or family—

4 “(A) has income below 30 percent of me-
5 dian income for the geographic area;

6 “(B) has insufficient resources immediately
7 available to attain housing stability; and

8 “(C)(i) has moved frequently because of
9 economic reasons;

10 “(ii) is living in the home of another be-
11 cause of economic hardship;

12 “(iii) has been notified that their right to
13 occupy their current housing or living situation
14 will be terminated;

15 “(iv) lives in a hotel or motel;

16 “(v) lives in severely overcrowded housing;

17 “(vi) is exiting an institution; or

18 “(vii) otherwise lives in housing that has
19 characteristics associated with instability and
20 an increased risk of homelessness.

21 Such term includes all families with children
22 and youth defined as homeless under other
23 Federal statutes.

24 “(2) CHRONICALLY HOMELESS.—

1 “(A) IN GENERAL.—The term ‘chronically
2 homeless’ means, with respect to an individual
3 or family, that the individual or family—

4 “(i) is homeless and lives or resides in
5 a place not meant for human habitation, a
6 safe haven, or in an emergency shelter;

7 “(ii) has been homeless and living or
8 residing in a place not meant for human
9 habitation, a safe haven, or in an emer-
10 gency shelter continuously for at least 1
11 year or on at least four separate occasions
12 in the last 3 years; and

13 “(iii) has an adult head of household
14 (or a minor head of household if no adult
15 is present in the household) with a
16 diagnosable substance use disorder, serious
17 mental illness, developmental disability (as
18 defined in section 102 of the Develop-
19 mental Disabilities Assistance and Bill of
20 Rights Act of 2000 (42 U.S.C. 15002)),
21 post traumatic stress disorder, cognitive
22 impairments resulting from a brain injury,
23 or chronic physical illness or disability, in-
24 cluding the co-occurrence of two or more of
25 those conditions.

1 “(B) RULE OF CONSTRUCTION.—A person
2 who currently lives or resides in an institutional
3 care facility, including a jail, substance abuse or
4 mental health treatment facility, hospital or
5 other similar facility, and has resided there for
6 fewer than 90 days shall be considered chron-
7 ically homeless if such person met all of the re-
8 quirements described in subparagraph (A) prior
9 to entering that facility.

10 “(3) COLLABORATIVE APPLICANT.—The term
11 ‘collaborative applicant’ means an entity that—

12 “(A) carries out the duties specified in sec-
13 tion 402;

14 “(B) serves as the applicant for project
15 sponsors who jointly submit a single application
16 for a grant under subtitle C in accordance with
17 a collaborative process; and

18 “(C) if the entity is a legal entity and is
19 awarded such grant, receives such grant di-
20 rectly from the Secretary.

21 “(4) COLLABORATIVE APPLICATION.—The term
22 ‘collaborative application’ means an application for a
23 grant under subtitle C that—

24 “(A) satisfies section 422; and

1 “(B) is submitted to the Secretary by a
2 collaborative applicant.

3 “(5) CONSOLIDATED PLAN.—The term ‘Con-
4 solidated Plan’ means a comprehensive housing af-
5 fordability strategy and community development
6 plan required in part 91 of title 24, Code of Federal
7 Regulations.

8 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
9 tity’ means, with respect to a subtitle, a public enti-
10 ty, a private entity, or an entity that is a combina-
11 tion of public and private entities, that is eligible to
12 directly receive grant amounts under such subtitle.

13 “(7) FAMILIES WITH CHILDREN AND YOUTH
14 DEFINED AS HOMELESS UNDER OTHER FEDERAL
15 STATUTES.—The term ‘families with children and
16 youth defined as homeless under other Federal stat-
17 utes’ means any children or youth that are defined
18 as ‘homeless’ under any Federal statute other than
19 this subtitle, but are not defined as homeless under
20 section 103, and shall also include the parent, par-
21 ents, or guardian of such children or youth under
22 subtitle B of title VII this Act (42 U.S.C. 11431 et
23 seq.).

24 “(8) GEOGRAPHIC AREA.—The term ‘geo-
25 graphic area’ means a State, metropolitan city,

1 urban county, town, village, or other nonentitlement
2 area, or a combination or consortia of such, in the
3 United States, as described in section 106 of the
4 Housing and Community Development Act of 1974
5 (42 U.S.C. 5306).

6 “(9) HOMELESS INDIVIDUAL WITH A DIS-
7 ABILITY.—

8 “(A) IN GENERAL.—The term ‘homeless
9 individual with a disability’ means an individual
10 who is homeless, as defined in section 103, and
11 has a disability that—

12 “(i)(I) is expected to be long-con-
13 tinuing or of indefinite duration;

14 “(II) substantially impedes the indi-
15 vidual’s ability to live independently;

16 “(III) could be improved by the provi-
17 sion of more suitable housing conditions;
18 and

19 “(IV) is a physical, mental, or emo-
20 tional impairment, including an impair-
21 ment caused by alcohol or drug abuse, post
22 traumatic stress disorder, or brain injury;

23 “(ii) is a developmental disability, as
24 defined in section 102 of the Develop-

1 mental Disabilities Assistance and Bill of
2 Rights Act of 2000 (42 U.S.C. 15002); or

3 “(iii) is the disease of acquired im-
4 munodeficiency syndrome or any condition
5 arising from the etiologic agency for ac-
6 quired immunodeficiency syndrome.

7 “(B) RULE.—Nothing in clause (iii) of
8 subparagraph (A) shall be construed to limit
9 eligibility under clause (i) or (ii) of subpara-
10 graph (A).

11 “(10) LEGAL ENTITY.—The term ‘legal entity’
12 means—

13 “(A) an entity described in section
14 501(c)(3) of the Internal Revenue Code of 1986
15 (26 U.S.C. 501(c)(3)) and exempt from tax
16 under section 501(a) of such Code;

17 “(B) an instrumentality of State or local
18 government; or

19 “(C) a consortium of instrumentalities of
20 State or local governments that has constituted
21 itself as an entity.

22 “(11) METROPOLITAN CITY; URBAN COUNTY;
23 NONENTITLEMENT AREA.—The terms ‘metropolitan
24 city’, ‘urban county’, and ‘nonentitlement area’ have
25 the meanings given such terms in section 102(a) of

1 the Housing and Community Development Act of
2 1974 (42 U.S.C. 5302(a)).

3 “(12) NEW.—The term ‘new’ means, with re-
4 spect to housing, that no assistance has been pro-
5 vided under this title for the housing.

6 “(13) OPERATING COSTS.—The term ‘operating
7 costs’ means expenses incurred by a project sponsor
8 operating transitional housing or permanent housing
9 under this title with respect to—

10 “(A) the administration, maintenance, re-
11 pair, and security of such housing;

12 “(B) utilities, fuel, furnishings, and equip-
13 ment for such housing; or

14 “(C) coordination of services as needed to
15 ensure long-term housing stability.

16 “(14) OUTPATIENT HEALTH SERVICES.—The
17 term ‘outpatient health services’ means outpatient
18 health care services, mental health services, and out-
19 patient substance abuse services.

20 “(15) PERMANENT HOUSING.—The term ‘per-
21 manent housing’ means community-based housing
22 without a designated length of stay, and includes
23 both permanent supportive housing and permanent
24 housing without supportive services.

1 “(16) PERSONALLY IDENTIFYING INFORMA-
2 TION.—The term ‘personally identifying information’
3 means individually identifying information for or
4 about an individual, including information likely to
5 disclose the location of a victim of domestic violence,
6 dating violence, sexual assault, or stalking, includ-
7 ing—

8 “(A) a first and last name;

9 “(B) a home or other physical address;

10 “(C) contact information (including a post-
11 al, e-mail or Internet protocol address, or tele-
12 phone or facsimile number);

13 “(D) a social security number; and

14 “(E) any other information, including date
15 of birth, racial or ethnic background, or reli-
16 gious affiliation, that, in combination with any
17 other non-personally identifying information,
18 would serve to identify any individual.

19 “(17) PRIVATE NONPROFIT ORGANIZATION.—
20 The term ‘private nonprofit organization’ means an
21 organization—

22 “(A) no part of the net earnings of which
23 inures to the benefit of any member, founder,
24 contributor, or individual;

25 “(B) that has a voluntary board;

1 “(C) that has an accounting system, or has
2 designated a fiscal agent in accordance with re-
3 quirements established by the Secretary; and

4 “(D) that practices nondiscrimination in
5 the provision of assistance.

6 “(18) PROJECT.—The term ‘project’ means,
7 with respect to activities carried out under subtitle
8 C, eligible activities described in section 423(a), un-
9 dertaken pursuant to a specific endeavor, such as
10 serving a particular population or providing a par-
11 ticular resource.

12 “(19) PROJECT-BASED.—The term ‘project-
13 based’ means, with respect to rental assistance, that
14 the assistance is provided pursuant to a contract
15 that—

16 “(A) is between—

17 “(i) the recipient or a project sponsor;
18 and

19 “(ii) an owner of a structure that ex-
20 ists as of the date the contract is entered
21 into; and

22 “(B) provides that rental assistance pay-
23 ments shall be made to the owner and that the
24 units in the structure shall be occupied by eligi-

1 ble persons for not less than the term of the
2 contract.

3 “(20) PROJECT SPONSOR.—The term ‘project
4 sponsor’ means, with respect to proposed eligible ac-
5 tivities, the organization directly responsible for car-
6 rying out the proposed eligible activities.

7 “(21) RECIPIENT.—Except as used in subtitle
8 B, the term ‘recipient’ means an eligible entity
9 who—

10 “(A) submits an application for a grant
11 under section 422 that is approved by the Sec-
12 retary;

13 “(B) receives the grant directly from the
14 Secretary to support approved projects de-
15 scribed in the application; and

16 “(C)(i) serves as a project sponsor for the
17 projects; or

18 “(ii) awards the funds to project sponsors
19 to carry out the projects.

20 “(22) SECRETARY.—The term ‘Secretary’
21 means the Secretary of Housing and Urban Develop-
22 ment.

23 “(23) SERIOUS MENTAL ILLNESS.—The term
24 ‘serious mental illness’ means a severe and per-
25 sistent mental illness or emotional impairment that

1 seriously limits a person's ability to live independ-
2 ently.

3 “(24) SOLO APPLICANT.—The term ‘solo appli-
4 cant’ means an entity that is an eligible entity, di-
5 rectly submits an application for a grant under sub-
6 title C to the Secretary, and, if awarded such grant,
7 receives such grant directly from the Secretary.

8 “(25) SPONSOR-BASED.—The term ‘sponsor-
9 based’ means, with respect to rental assistance, that
10 the assistance is provided pursuant to a contract
11 that—

12 “(A) is between—

13 “(i) the recipient or a project sponsor;

14 and

15 “(ii) an independent entity that—

16 “(I) is a private organization;

17 and

18 “(II) owns or leases dwelling

19 units; and

20 “(B) provides that rental assistance pay-
21 ments shall be made to the independent entity
22 and that eligible persons shall occupy such as-
23 sisted units.

24 “(26) STATE.—Except as used in subtitle B,
25 the term ‘State’ means each of the several States,

1 the District of Columbia, the Commonwealth of
2 Puerto Rico, the United States Virgin Islands,
3 Guam, American Samoa, the Commonwealth of the
4 Northern Mariana Islands, the Trust Territory of
5 the Pacific Islands, and any other territory or pos-
6 session of the United States.

7 “(27) SUPPORTIVE SERVICES.—The term ‘sup-
8 portive services’ means services that address the spe-
9 cial needs of people served by a project, including—

10 “(A) the establishment and operation of a
11 child care services program for families experi-
12 encing homelessness;

13 “(B) the establishment and operation of an
14 employment assistance program, including pro-
15 viding job training;

16 “(C) the provision of outpatient health
17 services, food, and case management;

18 “(D) the provision of assistance in obtain-
19 ing permanent housing, employment counseling,
20 and nutritional counseling;

21 “(E) the provision of outreach services, ad-
22 vocacy, life skills training, and housing search
23 and counseling services;

24 “(F) the provision of mental health serv-
25 ices, trauma counseling, and victim services;

1 “(G) the provision of assistance in obtain-
2 ing other Federal, State, and local assistance
3 available for residents of supportive housing
4 (including mental health benefits, employment
5 counseling, and medical assistance, but not in-
6 cluding major medical equipment);

7 “(H) the provision of legal services for
8 purposes including requesting reconsiderations
9 and appeals of veterans and public benefit claim
10 denials and resolving outstanding warrants that
11 interfere with an individual’s ability to obtain
12 and retain housing;

13 “(I) the provision of—

14 “(i) transportation services that facili-
15 tate an individual’s ability to obtain and
16 maintain employment; and

17 “(ii) health care; and

18 “(J) other supportive services necessary to
19 obtain and maintain housing.

20 “(28) TENANT-BASED.—The term ‘tenant-
21 based’ means, with respect to rental assistance, as-
22 sistance that—

23 “(A) allows an eligible person to select a
24 housing unit in which such person will live
25 using rental assistance provided under subtitle

1 C, except that if necessary to assure that the
2 provision of supportive services to a person par-
3 ticipating in a program is feasible, a recipient
4 or project sponsor may require that the person
5 live—

6 “(i) in a particular structure or unit
7 for not more than the first year of the par-
8 ticipation;

9 “(ii) within a particular geographic
10 area for the full period of the participation,
11 or the period remaining after the period
12 referred to in subparagraph (A); and

13 “(B) provides that a person may receive
14 such assistance and move to another structure,
15 unit, or geographic area if the person has com-
16 plied with all other obligations of the program
17 and has moved out of the assisted dwelling unit
18 in order to protect the health or safety of an in-
19 dividual who is or has been the victim of domes-
20 tic violence, dating violence, sexual assault, or
21 stalking, and who reasonably believed he or she
22 was imminently threatened by harm from fur-
23 ther violence if he or she remained in the as-
24 sisted dwelling unit.

1 “(29) TRANSITIONAL HOUSING.—The term
2 ‘transitional housing’ means housing the purpose of
3 which is to facilitate the movement of individuals
4 and families experiencing homelessness to permanent
5 housing within 24 months or such longer period as
6 the Secretary determines necessary.

7 “(30) UNIFIED FUNDING AGENCY.—The term
8 ‘unified funding agency’ means a collaborative appli-
9 cant that performs the duties described in section
10 402(g).

11 “(31) UNDERSERVED POPULATIONS.—The
12 term ‘underserved populations’ includes populations
13 underserved because of geographic location, under-
14 served racial and ethnic populations, populations un-
15 derserved because of special needs (such as language
16 barriers, disabilities, alienage status, or age), and
17 any other population determined to be underserved
18 by the Secretary, as appropriate.

19 “(32) VICTIM SERVICE PROVIDER.—The term
20 ‘victim service provider’ means a private nonprofit
21 organization whose primary mission is to provide
22 services to victims of domestic violence, dating vio-
23 lence, sexual assault, or stalking. Such term includes
24 rape crisis centers, battered women’s shelters, do-

1 mestic violence transitional housing programs, and
 2 other programs.

3 “(33) VICTIM SERVICES.—The term ‘victim
 4 services’ means services that assist domestic vio-
 5 lence, dating violence, sexual assault, or stalking vic-
 6 tims, including services offered by rape crisis centers
 7 and domestic violence shelters, and other organiza-
 8 tions, with a documented history of effective work
 9 concerning domestic violence, dating violence, sexual
 10 assault, or stalking.”.

11 **SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING**
 12 **BOARDS.**

13 Subtitle A of title IV of the McKinney-Vento Home-
 14 less Assistance Act (42 U.S.C. 11361 et seq.) is amended
 15 by inserting after section 401 (as added by section 101(3))
 16 of this Act) the following new section:

17 **“SEC. 402. COLLABORATIVE APPLICANTS.**

18 “(a) ESTABLISHMENT AND DESIGNATION.—A col-
 19 laborative applicant shall be established for a geographic
 20 area by the relevant parties in that geographic area to—

21 “(1) submit an application for amounts under
 22 this subtitle; and

23 “(2) perform the duties specified in subsection
 24 (f) and, if applicable, subsection (g).

1 “(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—

2 An entity may be established to serve as a collaborative
3 applicant under this section without being a legal entity.

4 “(c) REMEDIAL ACTION.—If the Secretary finds that

5 a collaborative applicant for a geographic area does not
6 meet the requirements of this section, or if there is no
7 collaborative applicant for a geographic area, the Sec-
8 retary may take remedial action to ensure fair distribution
9 of grant amounts under subtitle C to eligible entities with-
10 in that area. Such measures may include designating an-
11 other body as a collaborative applicant, or permitting
12 other eligible entities to apply directly for grants.

13 “(d) CONSTRUCTION.—Nothing in this section shall

14 be construed to displace conflict of interest or government
15 fair practices laws, or their equivalent, that govern appli-
16 cants for grant amounts under subtitles B and C.

17 “(e) APPOINTMENT OF AGENT.—

18 “(1) IN GENERAL.—Subject to paragraph (2), a
19 collaborative applicant may designate an agent to—

20 “(A) apply for a grant under section
21 422(c);

22 “(B) receive and distribute grant funds
23 awarded under subtitle C; and

24 “(C) perform other administrative duties.

1 “(2) RETENTION OF DUTIES.—Any collabo-
2 rative applicant that designates an agent pursuant
3 to paragraph (1) shall regardless of such designation
4 retain all of its duties and responsibilities under this
5 title.

6 “(f) DUTIES.—A collaborative applicant shall—

7 “(1) design a collaborative process for the de-
8 velopment of an application under subtitle C, and
9 for evaluating the outcomes of projects for which
10 funds are awarded under subtitle B, in such a man-
11 ner as to provide information necessary for the Sec-
12 retary—

13 “(A) to determine compliance with—

14 “(i) the program requirements under
15 section 426; and

16 “(ii) the selection criteria described
17 under section 427; and

18 “(B) to establish priorities for funding
19 projects in the geographic area involved;

20 “(2) participate in the Consolidated Plan for
21 the geographic area served by the collaborative ap-
22 plicant; and

23 “(3) ensure operation of, and consistent partici-
24 pation by, project sponsors in a community-wide

1 homeless management information system (in this
2 subsection referred to as ‘HMIS’) that—

3 “(A) collects unduplicated counts of indi-
4 viduals and families experiencing homelessness;

5 “(B) analyzes patterns of use of assistance
6 provided under subtitles B and C for the geo-
7 graphic area involved;

8 “(C) provides information to project spon-
9 sors and applicants for needs analyses and
10 funding priorities; and

11 “(D) is developed in accordance with
12 standards established by the Secretary, includ-
13 ing standards that provide for—

14 “(i) encryption of data collected for
15 purposes of HMIS;

16 “(ii) documentation, including keeping
17 an accurate accounting, proper usage, and
18 disclosure, of HMIS data;

19 “(iii) access to HMIS data by staff,
20 contractors, law enforcement, and aca-
21 demic researchers;

22 “(iv) rights of persons receiving serv-
23 ices under this title;

24 “(v) criminal and civil penalties for
25 unlawful disclosure of data; and

1 “(vi) such other standards as may be
2 determined necessary by the Secretary.

3 “(g) UNIFIED FUNDING.—

4 “(1) IN GENERAL.—In addition to the duties
5 described in subsection (f), a collaborative applicant
6 shall receive from the Secretary and distribute to
7 other project sponsors in the applicable geographic
8 area funds for projects to be carried out by such
9 other project sponsors, if—

10 “(A) the collaborative applicant—

11 “(i) applies to undertake such collec-
12 tion and distribution responsibilities in an
13 application submitted under this subtitle;
14 and

15 “(ii) is selected to perform such re-
16 sponsibilities by the Secretary; or

17 “(B) the Secretary designates the collabo-
18 rative applicant as the unified funding agency
19 in the geographic area, after—

20 “(i) a finding by the Secretary that
21 the applicant—

22 “(I) has the capacity to perform
23 such responsibilities; and

1 “(II) would serve the purposes of
2 this Act as they apply to the geo-
3 graphic area; and

4 “(ii) the Secretary provides the col-
5 laborative applicant with the technical as-
6 sistance necessary to perform such respon-
7 sibilities as such assistance is agreed to by
8 the collaborative applicant.

9 “(2) REQUIRED ACTIONS BY A UNIFIED FUND-
10 ING AGENCY.—A collaborative applicant that is ei-
11 ther selected or designated as a unified funding
12 agency for a geographic area under paragraph (1)
13 shall—

14 “(A) require each project sponsor who is
15 funded by a grant received under subtitle C to
16 establish such fiscal control and fund account-
17 ing procedures as may be necessary to assure
18 the proper disbursal of, and accounting for,
19 Federal funds awarded to the project sponsor
20 under subtitle C in order to ensure that all fi-
21 nancial transactions carried out under subtitle
22 C are conducted, and records maintained, in ac-
23 cordance with generally accepted accounting
24 principles; and

1 “(B) arrange for an annual survey, audit,
2 or evaluation of the financial records of each
3 project carried out by a project sponsor funded
4 by a grant received under subtitle C.

5 “(h) CONFLICT OF INTEREST.—No board member of
6 a collaborative applicant may participate in decisions of
7 the collaborative applicant concerning the award of a
8 grant, or provision of other financial benefits, to such
9 member or the organization that such member rep-
10 resents.”.

11 **SEC. 103. GENERAL PROVISIONS.**

12 Subtitle A of the McKinney-Vento Homeless Assist-
13 ance Act (42 U.S.C. 11361 et seq.) is amended by insert-
14 ing after section 403 (as so redesignated by section 101(2)
15 of this Act) the following new sections:

16 **“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARA-**
17 **TION.**

18 “(a) IN GENERAL.—After the expiration of the 2-
19 year period that begins upon the date of the enactment
20 of the Homeless Emergency Assistance and Rapid Transi-
21 tion to Housing Act of 2008, and except as provided in
22 subsection (b), any project sponsor receiving funds under
23 this title to provide emergency shelter, transitional hous-
24 ing, or permanent housing to families with children under

1 age 18 shall not deny admission to any family based on
2 the age of any child under age 18.

3 “(b) EXCEPTION.—Notwithstanding the requirement
4 under subsection (a), project sponsors of transitional
5 housing receiving funds under this title may target transi-
6 tional housing resources to families with children of a spe-
7 cific age only if the project sponsor—

8 “(1) operates a transitional housing program
9 that has a primary purpose of implementing an evi-
10 dence-based practice that requires that housing units
11 be targeted to families with children in a specific age
12 group; and

13 “(2) provides such assurances, as the Secretary
14 shall require, that an equivalent appropriate alter-
15 native living arrangement for the whole family or
16 household unit has been secured.

17 **“SEC. 405. TECHNICAL ASSISTANCE.**

18 “(a) IN GENERAL.—The Secretary shall make avail-
19 able technical assistance to private nonprofit organizations
20 and other nongovernmental entities, States, metropolitan
21 cities, urban counties, and counties that are not urban
22 counties, to implement effective planning processes for
23 preventing and ending homelessness, to improve their ca-
24 pacity to prepare collaborative applications, to prevent the
25 separation of families in emergency shelter or other hous-

1 ing programs, and to adopt and provide best practices in
 2 housing and services for persons experiencing homeless.

3 “(b) RESERVATION.—The Secretary shall reserve not
 4 more than 1 percent of the funds made available for any
 5 fiscal year for carrying out subtitles B and C, to provide
 6 technical assistance under subsection (a).”.

7 **SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING IN-**
 8 **FORMATION BY VICTIM SERVICE PROVIDERS.**

9 Subtitle A of the McKinney-Vento Homeless Assist-
 10 ance Act (42 U.S.C. 11361 et seq.), as amended by the
 11 preceding provisions of this title, is further amended by
 12 adding at the end the following new section:

13 **“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING IN-**
 14 **FORMATION BY VICTIM SERVICE PROVIDERS.**

15 “In the course of awarding grants or implementing
 16 programs under this title, the Secretary shall instruct any
 17 victim service provider that is a recipient or subgrantee
 18 not to disclose for purposes of the Homeless Management
 19 Information System any personally identifying informa-
 20 tion about any client. The Secretary may, after public no-
 21 tice and comment, require or ask such recipients and sub-
 22 grantees to disclose for purposes of the Homeless Manage-
 23 ment Information System non-personally identifying infor-
 24 mation that has been de-identified, encrypted, or otherwise
 25 encoded. Nothing in this section shall be construed to su-

1 persede any provision of any Federal, State, or local law
 2 that provides greater protection than this subsection for
 3 victims of domestic violence, dating violence, sexual as-
 4 sault, or stalking.”.

5 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

6 Subtitle A of the McKinney-Vento Homeless Assist-
 7 ance Act (42 U.S.C. 11361 et seq.), as amended by the
 8 preceding provisions of this title, is further amended by
 9 adding at the end the following new section:

10 **“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
 12 this title \$2,200,000,000 for fiscal year 2009 and such
 13 sums as may be necessary for fiscal year 2010.”.

14 **TITLE II—EMERGENCY**
 15 **SOLUTIONS GRANTS PROGRAM**

16 **SEC. 201. GRANT ASSISTANCE.**

17 Subtitle B of title IV of the McKinney-Vento Home-
 18 less Assistance Act (42 U.S.C. 11371 et seq.) is amend-
 19 ed—

20 (1) by striking the subtitle heading and insert-
 21 ing the following:

22 **“Subtitle B—Emergency Solutions**
 23 **Grants Program”;**

24 (2) by striking section 417 (42 U.S.C. 11377);

1 (3) by redesignating sections 413 through 416
2 (42 U.S.C. 11373–6) as sections 414 through 417,
3 respectively; and

4 (4) by striking section 412 (42 U.S.C. 11372)
5 and inserting the following:

6 **“SEC. 412. GRANT ASSISTANCE.**

7 “The Secretary shall make grants to States and local
8 governments (and to private nonprofit organizations pro-
9 viding assistance to persons experiencing homelessness or
10 at risk of homelessness, in the case of grants made with
11 reallocated amounts) for the purpose of carrying out ac-
12 tivities described in section 415.

13 **“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.**

14 “(a) IN GENERAL.—Of the amount made available
15 to carry out this subtitle and subtitle C for a fiscal year,
16 the Secretary shall allocate nationally 20 percent of such
17 amount for activities described in section 415. The Sec-
18 retary shall be required to certify that such allocation will
19 not adversely affect the renewal of existing projects under
20 this subtitle and subtitle C for those individuals or families
21 who are homeless.

22 “(b) ALLOCATION.—An entity that receives a grant
23 under section 412, and serves an area that includes 1 or
24 more geographic areas (or portions of such areas) served
25 by collaborative applicants that submit applications under

1 subtitle C, shall allocate the funds made available through
 2 the grant to carry out activities described in section 415,
 3 in consultation with the collaborative applicants.”; and

4 (5) in section 414(b) (42 U.S.C. 11373(b)), as
 5 so redesignated by paragraph (3) of this section, by
 6 striking “amounts appropriated” and all that follows
 7 through “for any” and inserting “amounts appro-
 8 priated under section 408 and made available to
 9 carry out this subtitle for any”.

10 **SEC. 202. ELIGIBLE ACTIVITIES.**

11 The McKinney-Vento Homeless Assistance Act is
 12 amended by striking section 415 (42 U.S.C. 11374), as
 13 so redesignated by section 201(3) of this Act, and insert-
 14 ing the following new section:

15 **“SEC. 415. ELIGIBLE ACTIVITIES.**

16 “(a) IN GENERAL.—Assistance provided under sec-
 17 tion 412 may be used for the following activities:

18 “(1) The renovation, major rehabilitation, or
 19 conversion of buildings to be used as emergency
 20 shelters.

21 “(2) The provision of essential services related
 22 to emergency shelter or street outreach, including
 23 services concerned with employment, health, edu-
 24 cation, family support services for homeless youth,

1 substance abuse services, victim services, or mental
2 health services, if—

3 “(A) such essential services have not been
4 provided by the local government during any
5 part of the immediately preceding 12-month pe-
6 riod or the Secretary determines that the local
7 government is in a severe financial deficit; or

8 “(B) the use of assistance under this sub-
9 title would complement the provision of those
10 essential services.

11 “(3) Maintenance, operation, insurance, provi-
12 sion of utilities, and provision of furnishings related
13 to emergency shelter.

14 “(4) Provision of rental assistance to provide
15 short-term or medium-term housing to homeless in-
16 dividuals or families or individuals or families at risk
17 of homelessness. Such rental assistance may include
18 tenant-based or project-based rental assistance.

19 “(5) Housing relocation or stabilization services
20 for homeless individuals or families or individuals or
21 families at risk of homelessness, including housing
22 search, mediation or outreach to property owners,
23 legal services, credit repair, providing security or
24 utility deposits, utility payments, rental assistance

1 for a final month at a location, assistance with mov-
 2 ing costs, or other activities that are effective at—

3 “(A) stabilizing individuals and families in
 4 their current housing; or

5 “(B) quickly moving such individuals and
 6 families to other permanent housing.

7 “(b) MAXIMUM ALLOCATION FOR EMERGENCY
 8 SHELTER ACTIVITIES.—A grantee of assistance provided
 9 under section 412 for any fiscal year may not use an
 10 amount of such assistance for activities described in para-
 11 graphs (1) through (3) of subsection (a) that exceeds the
 12 greater of—

13 “(1) 60 percent of the aggregate amount of
 14 such assistance provided for the grantee for such fis-
 15 cal year; or

16 “(2) the amount expended by such grantee for
 17 such activities during fiscal year most recently com-
 18 pleted before the effective date under section 503 of
 19 the Homeless Emergency Assistance and Rapid
 20 Transition to Housing Act of 2008.”.

21 **SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT IN-**
 22 **FORMATION SYSTEM.**

23 Section 416 of the McKinney-Vento Homeless Assist-
 24 ance Act (42 U.S.C. 11375), as so redesignated by section

1 201(3) of this Act, is amended by adding at the end the
 2 following new subsection:

3 “(f) PARTICIPATION IN HMIS.—The Secretary shall
 4 ensure that recipients of funds under this subtitle ensure
 5 the consistent participation by emergency shelters and
 6 homelessness prevention and rehousing programs in any
 7 applicable community-wide homeless management infor-
 8 mation system.”.

9 **TITLE III—CONTINUUM OF CARE** 10 **PROGRAM**

11 **SEC. 301. CONTINUUM OF CARE.**

12 The McKinney-Vento Homeless Assistance Act is
 13 amended—

14 (1) by striking the subtitle heading for subtitle
 15 C of title IV (42 U.S.C. 11381 et seq.) and inserting
 16 the following:

17 **“Subtitle C—Continuum of Care** 18 **Program”; and**

19 (2) by striking sections 421 and 422 (42 U.S.C.
 20 11381 and 11382) and inserting the following new
 21 sections:

22 **“SEC. 421. PURPOSES.**

23 “The purposes of this subtitle are—

24 “(1) to promote community-wide commitment
 25 to the goal of ending homelessness;

1 “(2) to provide funding for efforts by nonprofit
2 providers and State and local governments to quickly
3 rehouse homeless individuals and families while
4 minimizing the trauma and dislocation caused to in-
5 dividuals, families, and communities by homeless-
6 ness;

7 “(3) to promote access to, and effective utiliza-
8 tion of, mainstream programs described in section
9 203(a)(7) and programs funded with State or local
10 resources; and

11 “(4) to optimize self-sufficiency among individ-
12 uals and families experiencing homelessness.

13 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**
14 **GRANTS.**

15 “(a) PROJECTS.—The Secretary shall award grants,
16 on a competitive basis, and using the selection criteria de-
17 scribed in section 427, to carry out eligible activities under
18 this subtitle for projects that meet the program require-
19 ments under section 426, either by directly awarding
20 funds to project sponsors or by awarding funds to unified
21 funding agencies.

22 “(b) NOTIFICATION OF FUNDING AVAILABILITY.—
23 The Secretary shall release a notification of funding avail-
24 ability for grants awarded under this subtitle for a fiscal
25 year not later than 3 months after the date of the enact-

1 ment of the appropriate Act making appropriations for the
2 Department of Housing and Urban Development for such
3 fiscal year.

4 “(c) APPLICATIONS.—

5 “(1) SUBMISSION TO THE SECRETARY.—To be
6 eligible to receive a grant under subsection (a), a
7 project sponsor or unified funding agency in a geo-
8 graphic area shall submit an application to the Sec-
9 retary at such time and in such manner as the Sec-
10 retary may require, and containing such information
11 as the Secretary determines necessary—

12 “(A) to determine compliance with the pro-
13 gram requirements and selection criteria under
14 this subtitle; and

15 “(B) to establish priorities for funding
16 projects in the geographic area.

17 “(2) ANNOUNCEMENT OF AWARDS.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary shall an-
20 nounce, within 5 months after the last date for
21 the submission of applications described in this
22 subsection for a fiscal year, the grants condi-
23 tionally awarded under subsection (a) for that
24 fiscal year.

1 “(B) TRANSITION.—For a period of up to
 2 2 years beginning after the effective date under
 3 section 503 of the Homeless Emergency Assist-
 4 ance and Rapid Transition to Housing Act of
 5 2008, the Secretary shall announce, within 6
 6 months after the last date for the submission of
 7 applications described in this subsection for a
 8 fiscal year, the grants conditionally awarded
 9 under subsection (a) for that fiscal year.

10 “(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION
 11 OF FUNDS.—

12 “(1) REQUIREMENTS FOR OBLIGATION.—

13 “(A) IN GENERAL.—Not later than 9
 14 months after the announcement referred to in
 15 subsection (c)(2), each recipient or project
 16 sponsor shall meet all requirements for the obli-
 17 gation of those funds, including site control,
 18 matching funds, and environmental review re-
 19 quirements, except as provided in subpara-
 20 graphs (B) and (C).

21 “(B) ACQUISITION, REHABILITATION, OR
 22 CONSTRUCTION.—Not later than 24 months
 23 after the announcement referred to in sub-
 24 section (c)(2), each recipient or project sponsor
 25 seeking the obligation of funds for acquisition

1 of housing, rehabilitation of housing, or con-
2 struction of new housing for a grant announced
3 under subsection (c)(2) shall meet all require-
4 ments for the obligation of those funds, includ-
5 ing site control, matching funds, and environ-
6 mental review requirements.

7 “(C) EXTENSIONS.—At the discretion of
8 the Secretary, and in compelling circumstances,
9 the Secretary may extend the date by which a
10 recipient or project sponsor shall meet the re-
11 quirements described in subparagraphs (A) and
12 (B) if the Secretary determines that compliance
13 with the requirements was delayed due to fac-
14 tors beyond the reasonable control of the recipi-
15 ent or project sponsor. Such factors may in-
16 clude difficulties in obtaining site control for a
17 proposed project, completing the process of ob-
18 taining secure financing for the project, obtain-
19 ing approvals from State or local governments,
20 or completing the technical submission require-
21 ments for the project.

22 “(2) OBLIGATION.—Not later than 45 days
23 after a recipient or project sponsor meets the re-
24 quirements described in paragraph (1), the Sec-
25 retary shall obligate the funds for the grant involved.

1 “(3) DISTRIBUTION.—A recipient that receives
2 funds through such a grant—

3 “(A) shall distribute the funds to project
4 sponsors (in advance of expenditures by the
5 project sponsors); and

6 “(B) shall distribute the appropriate por-
7 tion of the funds to a project sponsor not later
8 than 45 days after receiving a request for such
9 distribution from the project sponsor.

10 “(4) EXPENDITURE OF FUNDS.—The Secretary
11 may establish a date by which funds made available
12 through a grant announced under subsection (c)(2)
13 for a homeless assistance project shall be entirely ex-
14 pended by the recipient or project sponsors involved.
15 The date established under this paragraph shall not
16 occur before the expiration of the 24-month period
17 beginning on the date that funds are obligated for
18 activities described under paragraphs (1) or (2) of
19 section 423(a). The Secretary shall recapture the
20 funds not expended by such date. The Secretary
21 shall reallocate the funds for another homeless as-
22 sistance and prevention project that meets the re-
23 quirements of this subtitle to be carried out, if pos-
24 sible and appropriate, in the same geographic area
25 as the area served through the original grant.

1 “(e) RENEWAL FUNDING FOR UNSUCCESSFUL AP-
2 PLICANTS.—The Secretary may renew funding for a spe-
3 cific project previously funded under this subtitle that the
4 Secretary determines meets the purposes of this subtitle,
5 and was included as part of a total application that met
6 the criteria of subsection (c), even if the application was
7 not selected to receive grant assistance. The Secretary
8 may renew the funding for a period of not more than 1
9 year, and under such conditions as the Secretary deter-
10 mines to be appropriate.

11 “(f) CONSIDERATIONS IN DETERMINING RENEWAL
12 FUNDING.—When providing renewal funding for leasing,
13 operating costs, or rental assistance for permanent hous-
14 ing, the Secretary shall make adjustments proportional to
15 increases in the fair market rents in the geographic area.

16 “(g) MORE THAN ONE APPLICATION FOR A GEO-
17 GRAPHIC AREA.—If more than one collaborative applicant
18 applies for funds for a geographic area, the Secretary shall
19 award funds to the collaborative applicant with the highest
20 score based on the selection criteria set forth in section
21 427.

22 “(h) APPEALS.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish a timely appeal procedure for grant amounts
25 awarded or denied under this subtitle pursuant to a

1 collaborative application or solo application for fund-
2 ing.

3 “(2) PROCESS.—The Secretary shall ensure
4 that the procedure permits appeals submitted by en-
5 tities carrying out homeless housing and services
6 projects (including emergency shelters and homeless-
7 ness prevention programs), and all other applicants
8 under this subtitle.

9 “(i) SOLO APPLICANTS.—A solo applicant may sub-
10 mit an application to the Secretary for a grant under sub-
11 section (a) and be awarded such grant on the same basis
12 as such grants are awarded to other applicants based on
13 the criteria described in section 427, but only if the Sec-
14 retary determines that the solo applicant has attempted
15 to participate in the continuum of care process but was
16 not permitted to participate in a reasonable manner. The
17 Secretary may award such grants directly to such appli-
18 cants in a manner determined to be appropriate by the
19 Secretary.

20 “(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS
21 HOMELESS UNDER OTHER FEDERAL LAWS.—

22 “(1) IN GENERAL.—A collaborative applicant
23 may use not more than 10 percent of funds awarded
24 under this subtitle (continuum of care funding) for
25 any of the types of eligible activities specified in

1 paragraphs (1) through (7) of section 423(a) to
2 serve families with children and youth defined as
3 homeless under other Federal statutes, or homeless
4 families with children and youth defined as homeless
5 under section 103(a)(6), but only if the applicant
6 demonstrates that the use of such funds is of an
7 equal or greater priority or is equally or more cost
8 effective in meeting the overall goals and objectives
9 of the plan submitted under section 427(b)(1)(B),
10 especially with respect to children and unaccom-
11 panied youth.

12 “(2) LIMITATIONS.—The 10 percent limitation
13 under paragraph (1) shall not apply to collaborative
14 applicants in which the rate of homelessness, as cal-
15 culated in the most recent point in time count, is
16 less than one-tenth of 1 percent of total population.

17 “(3) TREATMENT OF CERTAIN POPULATIONS.—

18 “(A) IN GENERAL.—Notwithstanding sec-
19 tion 103(a) and subject to subparagraph (B),
20 funds awarded under this subtitle may be used
21 for eligible activities to serve unaccompanied
22 youth and homeless families and children de-
23 fined as homeless under section 103(a)(6) only
24 pursuant to paragraph (1) of this subsection
25 and such families and children shall not other-

1 wise be considered as homeless for purposes of
2 this subtitle.

3 “(B) AT RISK OF HOMELESSNESS.—Sub-
4 paragraph (A) may not be construed to prevent
5 any unaccompanied youth and homeless families
6 and children defined as homeless under section
7 103(a)(6) from qualifying for, and being treat-
8 ed for purposes of this subtitle as, at risk of
9 homelessness or from eligibility for any
10 projects, activities, or services carried out using
11 amounts provided under this subtitle for which
12 individuals or families that are at risk of home-
13 lessness are eligible.”.

14 **SEC. 302. ELIGIBLE ACTIVITIES.**

15 The McKinney-Vento Homeless Assistance Act is
16 amended by striking section 423 (42 U.S.C. 11383) and
17 inserting the following new section:

18 **“SEC. 423. ELIGIBLE ACTIVITIES.**

19 “(a) IN GENERAL.—Grants awarded under section
20 422 to qualified applicants shall be used to carry out
21 projects that serve homeless individuals or families that
22 consist of one or more of the following eligible activities:

23 “(1) Construction of new housing units to pro-
24 vide transitional or permanent housing.

1 “(2) Acquisition or rehabilitation of a structure
2 to provide transitional or permanent housing, other
3 than emergency shelter, or to provide supportive
4 services.

5 “(3) Leasing of property, or portions of prop-
6 erty, not owned by the recipient or project sponsor
7 involved, for use in providing transitional or perma-
8 nent housing, or providing supportive services.

9 “(4) Provision of rental assistance to provide
10 transitional or permanent housing to eligible per-
11 sons. The rental assistance may include tenant-
12 based, project-based, or sponsor-based rental assist-
13 ance. Project-based rental assistance, sponsor-based
14 rental assistance, and operating cost assistance con-
15 tracts carried out by project sponsors receiving
16 grants under this section may, at the discretion of
17 the applicant and the project sponsor, have an initial
18 term of 15 years, with assistance for the first 5
19 years paid with funds authorized for appropriation
20 under this Act, and assistance for the remainder of
21 the term treated as a renewal of an expiring con-
22 tract as provided in section 429. Project-based rent-
23 al assistance may include rental assistance to pre-
24 serve existing permanent supportive housing for
25 homeless individuals and families.

1 “(5) Payment of operating costs for housing
2 units assisted under this subtitle or for the preserva-
3 tion of housing that will serve homeless individuals
4 and families and for which another form of assist-
5 ance is expiring or otherwise no longer available.

6 “(6) Supportive services for individuals and
7 families who are currently homeless, who have been
8 homeless in the prior 6 months but are currently re-
9 siding in permanent housing, or who were previously
10 homeless and are currently residing in permanent
11 supportive housing.

12 “(7) Provision of rehousing services, including
13 housing search, mediation or outreach to property
14 owners, credit repair, providing security or utility
15 deposits, rental assistance for a final month at a lo-
16 cation, assistance with moving costs, or other activi-
17 ties that—

18 “(A) are effective at moving homeless indi-
19 viduals and families immediately into housing;
20 or

21 “(B) may benefit individuals and families
22 who in the prior 6 months have been homeless,
23 but are currently residing in permanent hous-
24 ing.

1 “(8) In the case of a collaborative applicant
2 that is a legal entity, performance of the duties de-
3 scribed under section 402(f)(3).

4 “(9) Operation of, participation in, and ensur-
5 ing consistent participation by project sponsors in, a
6 community-wide homeless management information
7 system.

8 “(10) In the case of a collaborative applicant
9 that is a legal entity, payment of administrative
10 costs related to meeting the requirements described
11 in paragraphs (1) and (2) of section 402(f), for
12 which the collaborative applicant may use not more
13 than 3 percent of the total funds made available in
14 the geographic area under this subtitle for such
15 costs.

16 “(11) In the case of a collaborative applicant
17 that is a unified funding agency under section
18 402(g), payment of administrative costs related to
19 meeting the requirements of that section, for which
20 the unified funding agency may use not more than
21 3 percent of the total funds made available in the
22 geographic area under this subtitle for such costs, in
23 addition to funds used under paragraph (10).

24 “(12) Payment of administrative costs to
25 project sponsors, for which each project sponsor may

1 use not more than 10 percent of the total funds
2 made available to that project sponsor through this
3 subtitle for such costs.

4 “(b) MINIMUM GRANT TERMS.—The Secretary may
5 impose minimum grant terms of up to 5 years for new
6 projects providing permanent housing.

7 “(c) USE RESTRICTIONS.—

8 “(1) ACQUISITION, REHABILITATION, AND NEW
9 CONSTRUCTION.—A project that consists of activities
10 described in paragraph (1) or (2) of subsection (a)
11 shall be operated for the purpose specified in the ap-
12 plication submitted for the project under section 422
13 for not less than 15 years.

14 “(2) OTHER ACTIVITIES.—A project that con-
15 sists of activities described in any of paragraphs (3)
16 through (12) of subsection (a) shall be operated for
17 the purpose specified in the application submitted
18 for the project under section 422 for the duration of
19 the grant period involved.

20 “(3) CONVERSION.—If the recipient or project
21 sponsor carrying out a project that provides transi-
22 tional or permanent housing submits a request to
23 the Secretary to carry out instead a project for the
24 direct benefit of low-income persons, and the Sec-
25 retary determines that the initial project is no longer

1 needed to provide transitional or permanent housing,
2 the Secretary may approve the project described in
3 the request and authorize the recipient or project
4 sponsor to carry out that project.

5 “(d) REPAYMENT OF ASSISTANCE AND PREVENTION
6 OF UNDUE BENEFITS.—

7 “(1) REPAYMENT.—If a recipient or project
8 sponsor receives assistance under section 422 to
9 carry out a project that consists of activities de-
10 scribed in paragraph (1) or (2) of subsection (a) and
11 the project ceases to provide transitional or perma-
12 nent housing—

13 “(A) earlier than 10 years after operation
14 of the project begins, the Secretary shall re-
15 quire the recipient or project sponsor to repay
16 100 percent of the assistance; or

17 “(B) not earlier than 10 years, but earlier
18 than 15 years, after operation of the project be-
19 gins, the Secretary shall require the recipient or
20 project sponsor to repay 20 percent of the as-
21 sistance for each of the years in the 15-year pe-
22 riod for which the project fails to provide that
23 housing.

24 “(2) PREVENTION OF UNDUE BENEFITS.—Ex-
25 cept as provided in paragraph (3), if any property

1 is used for a project that receives assistance under
2 subsection (a) and consists of activities described in
3 paragraph (1) or (2) of subsection (a), and the sale
4 or other disposition of the property occurs before the
5 expiration of the 15-year period beginning on the
6 date that operation of the project begins, the recipi-
7 ent or project sponsor who received the assistance
8 shall comply with such terms and conditions as the
9 Secretary may prescribe to prevent the recipient or
10 project sponsor from unduly benefitting from such
11 sale or disposition.

12 “(3) EXCEPTION.—A recipient or project spon-
13 sor shall not be required to make the repayments,
14 and comply with the terms and conditions, required
15 under paragraph (1) or (2) if—

16 “(A) the sale or disposition of the property
17 used for the project results in the use of the
18 property for the direct benefit of very low-in-
19 come persons;

20 “(B) all of the proceeds of the sale or dis-
21 position are used to provide transitional or per-
22 manent housing meeting the requirements of
23 this subtitle;

24 “(C) project-based rental assistance or op-
25 erating cost assistance from any Federal pro-

1 gram or an equivalent State or local program is
2 no longer made available and the project is
3 meeting applicable performance standards, pro-
4 vided that the portion of the project that had
5 benefitted from such assistance continues to
6 meet the tenant income and rent restrictions for
7 low-income units under section 42(g) of the In-
8 ternal Revenue Code of 1986; or

9 “(D) there are no individuals and families
10 in the geographic area who are homeless, in
11 which case the project may serve individuals
12 and families at risk of homelessness.

13 “(e) STAFF TRAINING.—The Secretary may allow
14 reasonable costs associated with staff training to be in-
15 cluded as part of the activities described in subsection (a).

16 “(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any
17 project that receives assistance under subsection (a) and
18 that provides project-based or sponsor-based permanent
19 housing for homeless individuals or families with a dis-
20 ability, including projects that meet the requirements of
21 subsection (a) and subsection (d)(2)(A) of section 428
22 may also serve individuals who had previously met the re-
23 quirements for such project prior to moving into a dif-
24 ferent permanent housing project.

1 “(g) ADMINISTRATION OF RENTAL ASSISTANCE.—
2 Provision of permanent housing rental assistance shall be
3 administered by a State, unit of general local government,
4 or public housing agency.”.

5 **SEC. 303. HIGH PERFORMING COMMUNITIES.**

6 The McKinney-Vento Homeless Assistance Act is
7 amended by striking section 424 (42 U.S.C. 11384) and
8 inserting the following:

9 **“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMU-**
10 **NITIES.**

11 “(a) DESIGNATION AS A HIGH-PERFORMING COMMU-
12 NITY.—

13 “(1) IN GENERAL.—The Secretary shall des-
14 ignate, on an annual basis, which collaborative appli-
15 cants represent high-performing communities.

16 “(2) CONSIDERATION.—In determining whether
17 to designate a collaborative applicant as a high-per-
18 forming community under paragraph (1), the Sec-
19 retary shall establish criteria to ensure that the re-
20 quirements described under paragraphs (1)(B) and
21 (2)(B) of subsection (d) are measured by comparing
22 homeless individuals and families under similar cir-
23 cumstances, in order to encourage projects in the ge-
24 ographic area to serve homeless individuals and fam-
25 ilies with more severe barriers to housing stability.

1 “(3) 2-YEAR PHASE IN.—In each of the first 2
2 years after the effective date under section 503 of
3 the Homeless Emergency Assistance and Rapid
4 Transition to Housing Act of 2008, the Secretary
5 shall designate not more than ten collaborative ap-
6 plicants as high-performing communities.

7 “(4) EXCESS OF QUALIFIED APPLICANTS.—If,
8 during the 2-year period described under paragraph
9 (2), more than ten collaborative applicants could
10 qualify to be designated as high-performing commu-
11 nities, the Secretary shall designate the ten that
12 have, in the discretion of the Secretary, the best per-
13 formance based on the criteria described under sub-
14 section (d).

15 “(5) TIME LIMIT ON DESIGNATION.—The des-
16 ignation of any collaborative applicant as a high-per-
17 forming community under this subsection shall be
18 effective only for the year in which such designation
19 is made. The Secretary, on an annual basis, may
20 renew any such designation.

21 “(b) APPLICATION.—

22 “(1) IN GENERAL.—A collaborative applicant
23 seeking designation as a high-performing community
24 under subsection (a) shall submit an application to

1 the Secretary at such time, and in such manner as
2 the Secretary may require.

3 “(2) CONTENT OF APPLICATION.—In any appli-
4 cation submitted under paragraph (1), a collabo-
5 rative applicant shall include in such application—

6 “(A) a report showing how any money re-
7 ceived under this subtitle in the preceding year
8 was expended; and

9 “(B) information that such applicant can
10 meet the requirements described under sub-
11 section (d).

12 “(3) PUBLICATION OF APPLICATION.—The Sec-
13 retary shall—

14 “(A) publish any report or information
15 submitted in an application under this section
16 in the geographic area represented by the col-
17 laborative applicant; and

18 “(B) seek comments from the public as to
19 whether the collaborative applicant seeking des-
20 ignation as a high-performing community meets
21 the requirements described under subsection
22 (d).

23 “(c) USE OF FUNDS.—Funds awarded under section
24 422(a) to a project sponsor who is located in a high-per-
25 forming community may be used—

1 “(1) for any of the eligible activities described
2 in section 423; or

3 “(2) for any of the eligible activities described
4 in paragraphs (4) and (5) of section 415(a).

5 “(d) DEFINITION OF HIGH-PERFORMING COMMU-
6 NITY.—For purposes of this section, the term ‘high-per-
7 forming community’ means a geographic area that dem-
8 onstrates through reliable data that all five of the fol-
9 lowing requirements are met for that geographic area:

10 “(1) TERM OF HOMELESSNESS.—The mean
11 length of episodes of homelessness for that geo-
12 graphic area—

13 “(A) is less than 20 days; or

14 “(B) for individuals and families in similar
15 circumstances in the preceding year was at
16 least 10 percent less than in the year before.

17 “(2) FAMILIES LEAVING HOMELESSNESS.—Of
18 individuals and families—

19 “(A) who leave homelessness, fewer than 5
20 percent of such individuals and families become
21 homeless again at any time within the next 2
22 years; or

23 “(B) in similar circumstances who leave
24 homelessness, the percentage of such individ-
25 uals and families who become homeless again

1 within the next 2 years has decreased by at
2 least 20 percent from the preceding year.

3 “(3) COMMUNITY ACTION.—The communities
4 that compose the geographic area have—

5 “(A) actively encouraged homeless individ-
6 uals and families to participate in homeless as-
7 sistance services available in that geographic
8 area; and

9 “(B) included each homeless individual or
10 family who sought homeless assistance services
11 in the data system used by that community for
12 determining compliance with this subsection.

13 “(4) EFFECTIVENESS OF PREVIOUS ACTIVI-
14 TIES.—If recipients in the geographic area have
15 used funding awarded under section 422(a) for eligi-
16 ble activities described under section 415(a) in pre-
17 vious years based on the authority granted under
18 subsection (c), that such activities were effective at
19 reducing the number of individuals and families who
20 became homeless in that community.

21 “(5) FLEXIBILITY TO SERVE PERSONS DEFINED
22 AS HOMELESS UNDER OTHER FEDERAL LAWS.—
23 With respect to collaborative applicants exercising
24 the authority under section 422(j) to serve homeless
25 families with children and youth defined as homeless

1 under other Federal statutes, effectiveness in achiev-
2 ing the goals and outcomes identified in subsection
3 427(b)(1)(F) according to such standards as the
4 Secretary shall promulgate.

5 “(e) COOPERATION AMONG ENTITIES.—A collabo-
6 rative applicant designated as a high-performing commu-
7 nity under this section shall cooperate with the Secretary
8 in distributing information about successful efforts within
9 the geographic area represented by the collaborative appli-
10 cant to reduce homelessness.”.

11 **SEC. 304. PROGRAM REQUIREMENTS.**

12 Section 426 of the McKinney-Vento Homeless Assist-
13 ance Act (42 U.S.C. 11386) is amended—

14 (1) by striking subsections (a), (b), and (c) and
15 inserting the following:

16 “(a) SITE CONTROL.—The Secretary shall require
17 that each application include reasonable assurances that
18 the applicant will own or have control of a site for the
19 proposed project not later than the expiration of the 12-
20 month period beginning upon notification of an award for
21 grant assistance, unless the application proposes providing
22 supportive housing assistance under section 423(a)(3) or
23 housing that will eventually be owned or controlled by the
24 families and individuals served. An applicant may obtain
25 ownership or control of a suitable site different from the

1 site specified in the application. If any recipient or project
2 sponsor fails to obtain ownership or control of the site
3 within 12 months after notification of an award for grant
4 assistance, the grant shall be recaptured and reallocated
5 under this subtitle.

6 “(b) REQUIRED AGREEMENTS.—The Secretary may
7 not provide assistance for a proposed project under this
8 subtitle unless the collaborative applicant involved
9 agrees—

10 “(1) to ensure the operation of the project in
11 accordance with the provisions of this subtitle;

12 “(2) to monitor and report to the Secretary the
13 progress of the project;

14 “(3) to ensure, to the maximum extent prac-
15 ticable, that individuals and families experiencing
16 homelessness are involved, through employment, pro-
17 vision of volunteer services, or otherwise, in con-
18 structing, rehabilitating, maintaining, and operating
19 facilities for the project and in providing supportive
20 services for the project;

21 “(4) to require certification from all project
22 sponsors that—

23 “(A) they will maintain the confidentiality
24 of records pertaining to any individual or family

1 provided family violence prevention or treat-
2 ment services through the project;

3 “(B) that the address or location of any
4 family violence shelter project assisted under
5 this subtitle will not be made public, except
6 with written authorization of the person respon-
7 sible for the operation of such project;

8 “(C) they will establish policies and prac-
9 tices that are consistent with, and do not re-
10 strict the exercise of rights provided by, subtitle
11 B of title VII, and other laws relating to the
12 provision of educational and related services to
13 individuals and families experiencing homeless-
14 ness;

15 “(D) in the case of programs that provide
16 housing or services to families, they will des-
17 ignate a staff person to be responsible for en-
18 suring that children being served in the pro-
19 gram are enrolled in school and connected to
20 appropriate services in the community, includ-
21 ing early childhood programs such as Head
22 Start, part C of the Individuals with Disabil-
23 ities Education Act, and programs authorized
24 under subtitle B of title VII of this Act(42
25 U.S.C. 11431 et seq.); and

1 “(E) they will provide data and reports as
2 required by the Secretary pursuant to the Act;

3 “(5) if a collaborative applicant is a unified
4 funding agency under section 402(g) and receives
5 funds under subtitle C to carry out the payment of
6 administrative costs described in section 423(a)(11),
7 to establish such fiscal control and fund accounting
8 procedures as may be necessary to assure the proper
9 disbursal of, and accounting for, such funds in order
10 to ensure that all financial transactions carried out
11 with such funds are conducted, and records main-
12 tained, in accordance with generally accepted ac-
13 counting principles;

14 “(6) to monitor and report to the Secretary the
15 provision of matching funds as required by section
16 430;

17 “(7) to take the educational needs of children
18 into account when families are placed in emergency
19 or transitional shelter and will, to the maximum ex-
20 tent practicable, place families with children as close
21 as possible to their school of origin so as not to dis-
22 rupt such children’s education; and

23 “(8) to comply with such other terms and con-
24 ditions as the Secretary may establish to carry out
25 this subtitle in an effective and efficient manner.”;

1 (2) by redesignating subsection (d) as sub-
2 section (c);

3 (3) in the first sentence of subsection (c) (as so
4 redesignated by paragraph (2) of this subsection), by
5 striking “recipient” and inserting “recipient or
6 project sponsor”;

7 (4) by striking subsection (e);

8 (5) by redesignating subsections (f), (g), and
9 (h), as subsections (d), (e), and (f), respectively;

10 (6) in the first sentence of subsection (e) (as so
11 redesignated by paragraph (5) of this section), by
12 striking “recipient” each place it appears and insert-
13 ing “recipient or project sponsor”;

14 (7) by striking subsection (i); and

15 (8) by redesignating subsection (j) as sub-
16 section (g).

17 **SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS,**
18 **AND FUNDING.**

19 The McKinney-Vento Homeless Assistance Act is
20 amended—

21 (1) by repealing section 429 (42 U.S.C. 11389);

22 and

23 (2) by redesignating sections 427 and 428 (42
24 U.S.C. 11387, 11388) as sections 432 and 433, re-
25 spectively; and

1 (3) by inserting after section 426 the following
2 new sections:

3 **“SEC. 427. SELECTION CRITERIA.**

4 “(a) IN GENERAL.—The Secretary shall award funds
5 to recipients through a national competition between geo-
6 graphic areas based on criteria established by the Sec-
7 retary.

8 “(b) REQUIRED CRITERIA.—

9 “(1) IN GENERAL.—The criteria established
10 under subsection (a) shall include—

11 “(A) the previous performance of the re-
12 cipient regarding homelessness, including per-
13 formance related to funds provided under sec-
14 tion 412 (except that recipients applying from
15 geographic areas where no funds have been
16 awarded under this subtitle, or under subtitles
17 C, D, E, or F of title IV of this Act, as in effect
18 prior to the date of the enactment of the Home-
19 less Emergency Assistance and Rapid Transi-
20 tion to Housing Act of 2008, shall receive full
21 credit for performance under this subpara-
22 graph), measured by criteria that shall be an-
23 nounced by the Secretary, that shall take into
24 account barriers faced by individual homeless
25 people, and that shall include—

1 “(i) the length of time individuals and
2 families remain homeless;

3 “(ii) the extent to which individuals
4 and families who leave homelessness experience additional spells of homelessness;

5
6 “(iii) the thoroughness of grantees in
7 the geographic area in reaching homeless
8 individuals and families;

9 “(iv) overall reduction in the number
10 of homeless individuals and families;

11 “(v) jobs and income growth for
12 homeless individuals and families;

13 “(vi) success at reducing the number
14 of individuals and families who become
15 homeless;

16 “(vii) other accomplishments by the
17 recipient related to reducing homelessness;
18 and

19 “(viii) for collaborative applicants that
20 have exercised the authority under section
21 422(j) to serve families with children and
22 youth defined as homeless under other
23 Federal statutes, success in achieving the
24 goals and outcomes identified in section
25 427(b)(1)(F);

1 “(B) the plan of the recipient, which shall
2 describe—

3 “(i) how the number of individuals
4 and families who become homeless will be
5 reduced in the community;

6 “(ii) how the length of time that indi-
7 viduals and families remain homeless will
8 be reduced;

9 “(iii) how the recipient will collaborate
10 with local education authorities to assist in
11 the identification of individuals and fami-
12 lies who become or remain homeless and
13 are informed of their eligibility for services
14 under subtitle B of title VII of this Act
15 (42 U.S.C. 11431 et seq.);

16 “(iv) the extent to which the recipient
17 will—

18 “(I) address the needs of all rel-
19 evant subpopulations;

20 “(II) incorporate comprehensive
21 strategies for reducing homelessness,
22 including the interventions referred to
23 in section 428(d);

24 “(III) set quantifiable perform-
25 ance measures;

1 “(IV) set timelines for completion
2 of specific tasks;

3 “(V) identify specific funding
4 sources for planned activities; and

5 “(VI) identify an individual or
6 body responsible for overseeing imple-
7 mentation of specific strategies; and

8 “(v) whether the recipient proposes to
9 exercise authority to use funds under sec-
10 tion 422(j), and if so, how the recipient
11 will achieve the goals and outcomes identi-
12 fied in section 427(b)(1)(F);

13 “(C) the methodology of the recipient used
14 to determine the priority for funding local
15 projects under section 422(c)(1), including the
16 extent to which the priority-setting process—

17 “(i) uses periodically collected infor-
18 mation and analysis to determine the ex-
19 tent to which each project has resulted in
20 rapid return to permanent housing for
21 those served by the project, taking into ac-
22 count the severity of barriers faced by the
23 people the project serves;

24 “(ii) considers the full range of opin-
25 ions from individuals or entities with

1 knowledge of homelessness in the geo-
2 graphic area or an interest in preventing
3 or ending homelessness in the geographic
4 area;

5 “(iii) is based on objective criteria
6 that have been publicly announced by the
7 recipient; and

8 “(iv) is open to proposals from enti-
9 ties that have not previously received funds
10 under this subtitle;

11 “(D) the extent to which the amount of as-
12 sistance to be provided under this subtitle to
13 the recipient will be supplemented with re-
14 sources from other public and private sources,
15 including mainstream programs identified by
16 the Government Accountability Office in the
17 two reports described in section 203(a)(7);

18 “(E) demonstrated coordination by the re-
19 cipient with the other Federal, State, local, pri-
20 vate, and other entities serving individuals and
21 families experiencing homelessness and at risk
22 of homelessness in the planning and operation
23 of projects;

24 “(F) for collaborative applicants exercising
25 the authority under section 422(j) to serve

1 homeless families with children and youth de-
2 fined as homeless under other Federal statutes,
3 program goals and outcomes, which shall in-
4 clude—

5 “(i) preventing homelessness among
6 the subset of such families with children
7 and youth who are at highest risk of be-
8 coming homeless, as such term is defined
9 for purposes of this title; or

10 “(ii) achieving independent living in
11 permanent housing among such families
12 with children and youth, especially those
13 who have a history of doubled-up and other
14 temporary housing situations or are living
15 in a temporary housing situation due to
16 lack of available and appropriate emer-
17 gency shelter, through the provision of eli-
18 gible assistance that directly contributes to
19 achieving such results including assistance
20 to address chronic disabilities, chronic
21 physical health or mental health condi-
22 tions, substance addiction, histories of do-
23 mestic violence or childhood abuse, or mul-
24 tiple barriers to employment; and

1 “(G) such other factors as the Secretary
2 determines to be appropriate to carry out this
3 subtitle in an effective and efficient manner.

4 “(2) ADDITIONAL CRITERIA.—In addition to
5 the criteria required under paragraph (1), the cri-
6 teria established under paragraph (1) shall also in-
7 clude the need within the geographic area for home-
8 less services, determined as follows and under the
9 following conditions:

10 “(A) NOTICE.—The Secretary shall inform
11 each collaborative applicant, at a time concur-
12 rent with the release of the notice of funding
13 availability for the grants, of the pro rata esti-
14 mated grant amount under this subtitle for the
15 geographic area represented by the collaborative
16 applicant.

17 “(B) AMOUNT.—

18 “(i) FORMULA.—Such estimated
19 grant amounts shall be determined by a
20 formula, which shall be developed by the
21 Secretary, by regulation, not later than the
22 expiration of the 2-year period beginning
23 upon the date of the enactment of the
24 Homeless Emergency Assistance and
25 Rapid Transition to Housing Act of 2008,

1 that is based upon factors that are appro-
2 priate to allocate funds to meet the goals
3 and objectives of this subtitle.

4 “(ii) COMBINATIONS OR CON-
5 SORTIA.—For a collaborative applicant
6 that represents a combination or consor-
7 tium of cities or counties, the estimated
8 need amount shall be the sum of the esti-
9 mated need amounts for the cities or coun-
10 ties represented by the collaborative appli-
11 cant.

12 “(iii) AUTHORITY OF SECRETARY.—
13 Subject to the availability of appropria-
14 tions, the Secretary shall increase the esti-
15 mated need amount for a geographic area
16 if necessary to provide 1 year of renewal
17 funding for all expiring contracts entered
18 into under this subtitle for the geographic
19 area.

20 “(3) HOMELESSNESS COUNTS.—The Secretary
21 shall not require that communities conduct an actual
22 count of homeless people other than those described
23 in paragraphs (1) through (4) of section 103(a) of
24 this Act (42 U.S.C. 11302(a)).

1 “(c) ADJUSTMENTS.—The Secretary may adjust the
2 formula described in subsection (b)(2) as necessary—

3 “(1) to ensure that each collaborative applicant
4 has sufficient funding to renew all qualified projects
5 for at least one year; and

6 “(2) to ensure that collaborative applicants are
7 not discouraged from replacing renewal projects with
8 new projects that the collaborative applicant deter-
9 mines will better be able to meet the purposes of this
10 Act.

11 **“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES**
12 **FOR SPECIFIC ELIGIBLE ACTIVITIES.**

13 “(a) MINIMUM ALLOCATION FOR PERMANENT HOUS-
14 ING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH
15 DISABILITIES.—

16 “(1) IN GENERAL.—From the amounts made
17 available to carry out this subtitle for a fiscal year,
18 a portion equal to not less than 30 percent of the
19 sums made available to carry out subtitle B and this
20 subtitle, shall be used for permanent housing for
21 homeless individuals with disabilities and homeless
22 families that include such an individual who is an
23 adult or a minor head of household if no adult is
24 present in the household.

1 “(2) CALCULATION.—In calculating the portion
2 of the amount described in paragraph (1) that is
3 used for activities that are described in paragraph
4 (1), the Secretary shall not count funds made avail-
5 able to renew contracts for existing projects under
6 section 429.

7 “(3) ADJUSTMENT.—The 30-percent figure in
8 paragraph (1) shall be reduced proportionately based
9 on need under section 427(b)(2) in geographic areas
10 for which subsection (e) applies in regard to sub-
11 section (d)(2)(A).

12 “(4) SUSPENSION.—The requirement estab-
13 lished in paragraph (1) shall be suspended for any
14 year in which available funding for grants under this
15 subtitle would not be sufficient to renew for 1-year
16 existing grants that would otherwise be funded
17 under this subtitle.

18 “(5) TERMINATION.—The requirement estab-
19 lished in paragraph (1) shall terminate upon a find-
20 ing by the Secretary that since the beginning of
21 2001 at least 150,000 new units of permanent hous-
22 ing for homeless individuals and families with dis-
23 abilities have been funded under this subtitle.

24 “(b) SET-ASIDE FOR PERMANENT HOUSING FOR
25 HOMELESS FAMILIES WITH CHILDREN.—From the

1 amounts made available to carry out this subtitle for a
2 fiscal year, a portion equal to not less than 10 percent
3 of the sums made available to carry out subtitle B and
4 this subtitle for that fiscal year shall be used to provide
5 or secure permanent housing for homeless families with
6 children.

7 “(c) TREATMENT OF AMOUNTS FOR PERMANENT OR
8 TRANSITIONAL HOUSING.—Nothing in this Act may be
9 construed to establish a limit on the amount of funding
10 that an applicant may request under this subtitle for ac-
11 quisition, construction, or rehabilitation activities for the
12 development of permanent housing or transitional hous-
13 ing.

14 “(d) INCENTIVES FOR PROVEN STRATEGIES.—

15 “(1) IN GENERAL.—The Secretary shall provide
16 bonuses or other incentives to geographic areas for
17 using funding under this subtitle for activities that
18 have been proven to be effective at reducing home-
19 lessness generally, reducing homelessness for a spe-
20 cific subpopulation, or achieving homeless prevention
21 and independent living goals as set forth in section
22 427(b)(1)(F).

23 “(2) RULE OF CONSTRUCTION.—For purposes
24 of this subsection, activities that have been proven to
25 be effective at reducing homelessness generally or re-

1 ducing homelessness for a specific subpopulation in-
2 cludes—

3 “(A) permanent supportive housing for
4 chronically homeless individuals and families;

5 “(B) for homeless families, rapid rehousing
6 services, short-term flexible subsidies to over-
7 come barriers to rehousing, support services
8 concentrating on improving incomes to pay
9 rent, coupled with performance measures em-
10 phasizing rapid and permanent rehousing and
11 with leveraging funding from mainstream fam-
12 ily service systems such as Temporary Assist-
13 ance for Needy Families and Child Welfare
14 services; and

15 “(C) any other activity determined by the
16 Secretary, based on research and after notice
17 and comment to the public, to have been proven
18 effective at reducing homelessness generally, re-
19 ducing homelessness for a specific subpopula-
20 tion, or achieving homeless prevention and inde-
21 pendent living goals as set forth in section
22 427(b)(1)(F).

23 “(3) BALANCE OF INCENTIVES FOR PROVEN
24 STRATEGIES.—To the extent practicable, in pro-
25 viding bonuses or incentives for proven strategies,

1 the Secretary shall seek to maintain a balance
2 among strategies targeting homeless individuals,
3 families, and other subpopulations. The Secretary
4 shall not implement bonuses or incentives that spe-
5 cifically discourage collaborative applicants from ex-
6 ercising their flexibility to serve families with chil-
7 dren and youth defined as homeless under other
8 Federal statutes.

9 “(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTA-
10 TION OF PROVEN STRATEGIES.—If any geographic area
11 demonstrates that it has fully implemented any of the ac-
12 tivities described in subsection (d) for all homeless individ-
13 uals and families or for all members of subpopulations for
14 whom such activities are targeted, that geographic area
15 shall receive the bonus or incentive provided under sub-
16 section (d), but may use such bonus or incentive for any
17 eligible activity under either section 423 or paragraphs (4)
18 and (5) of section 415(a) for homeless people generally
19 or for the relevant subpopulation.

20 **“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE**
21 **FOR PERMANENT HOUSING.**

22 “(a) IN GENERAL.—Of the total amount available in
23 the account or accounts designated for appropriations for
24 use in connection with section 8 of the United States
25 Housing Act of 1937 (42 U.S.C. 1437f), the Secretary

1 shall use such sums as may be necessary for the purpose
2 of renewing expiring contracts for leasing, rental assist-
3 ance, or operating costs for permanent housing.

4 “(b) RENEWALS.—The sums made available under
5 subsection (a) shall be available for the renewal of con-
6 tracts in the case of tenant-based assistance, successive
7 1-year terms, and in the case of project-based assistance,
8 successive terms of up to 15 years at the discretion of the
9 applicant or project sponsor and subject to the availability
10 of annual appropriations, for rental assistance and hous-
11 ing operation costs associated with permanent housing
12 projects funded under this subtitle, or under subtitle C
13 or F (as in effect on the day before the effective date of
14 the Homeless Emergency Assistance and Rapid Transition
15 to Housing Act of 2008). The Secretary shall determine
16 whether to renew a contract for such a permanent housing
17 project on the basis of certification by the collaborative
18 applicant for the geographic area that—

19 “(1) there is a demonstrated need for the
20 project; and

21 “(2) the project complies with program require-
22 ments and appropriate standards of housing quality
23 and habitability, as determined by the Secretary.

24 “(c) CONSTRUCTION.—Nothing in this section shall
25 be construed as prohibiting the Secretary from renewing

1 contracts under this subtitle in accordance with criteria
2 set forth in a provision of this subtitle other than this sec-
3 tion.

4 **“SEC. 430. MATCHING FUNDING.**

5 “(a) IN GENERAL.—A collaborative applicant in a ge-
6 ographic area in which funds are awarded under this sub-
7 title shall specify contributions from any source other than
8 a grant awarded under this subtitle, including renewal
9 funding of projects assisted under subtitles C, D, and F
10 of this title as in effect before the effective date under
11 section 503 of the Homeless Emergency Assistance and
12 Rapid Transition to Housing Act of 2008, that shall be
13 made available in the geographic area in an amount equal
14 to not less than 25 percent of the funds provided to recipi-
15 ents in the geographic area, except that grants for leasing
16 shall not be subject to any match requirement.

17 “(b) LIMITATIONS ON IN-KIND MATCH.—The cash
18 value of services provided to the residents or clients of a
19 project sponsor by an entity other than the project sponsor
20 may count toward the contributions in subsection (a) only
21 when documented by a memorandum of understanding be-
22 tween the project sponsor and the other entity that such
23 services will be provided.

24 “(c) COUNTABLE ACTIVITIES.—The contributions re-
25 quired under subsection (a) may consist of—

1 “(1) funding for any eligible activity described
2 under section 423; and

3 “(2) subject to subsection (b), in-kind provision
4 of services of any eligible activity described under
5 section 423.

6 **“SEC. 431. APPEAL PROCEDURE.**

7 “(a) IN GENERAL.—With respect to funding under
8 this subtitle, if certification of consistency with the consoli-
9 dated plan pursuant to section 403 is withheld from an
10 applicant who has submitted an application for that cer-
11 tification, such applicant may appeal such decision to the
12 Secretary.

13 “(b) PROCEDURE.—The Secretary shall establish a
14 procedure to process the appeals described in subsection
15 (a).

16 “(c) DETERMINATION.—Not later than 45 days after
17 the date of receipt of an appeal described in subsection
18 (a), the Secretary shall determine if certification was un-
19 reasonably withheld. If such certification was unreason-
20 ably withheld, the Secretary shall review such application
21 and determine if such applicant shall receive funding
22 under this subtitle.”.

23 **SEC. 306. RESEARCH.**

24 There is authorized to be appropriated \$8,000,000,
25 for each of fiscal years 2009 and 2010, for research into

1 the efficacy of interventions for homeless families, to be
 2 expended by the Secretary of Housing and Urban Develop-
 3 ment over the 2 years at three different sites to provide
 4 services for homeless families and evaluate the effective-
 5 ness of such services.

6 **TITLE IV—RURAL HOUSING STA-**
 7 **BILITY ASSISTANCE PRO-**
 8 **GRAM**

9 **SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.**

10 Subtitle G of title IV of the McKinney-Vento Home-
 11 less Assistance Act (42 U.S.C. 11408 et seq.) is amend-
 12 ed—

13 (1) by striking the subtitle heading and insert-
 14 ing the following:

15 **“Subtitle G—Rural Housing**
 16 **Stability Assistance Program”;** and

17 (2) in section 491—

18 (A) by striking the section heading and in-
 19 serting **“RURAL HOUSING STABILITY**
 20 **GRANT PROGRAM.”;**

21 (B) in subsection (a)—

22 (i) by striking “rural homelessness
 23 grant program” and inserting “rural hous-
 24 ing stability grant program”;

1 (ii) by inserting “in lieu of grants
2 under subtitle C” after “eligible organiza-
3 tions”; and

4 (iii) by striking paragraphs (1), (2),
5 and (3), and inserting the following:

6 “(1) rehousing or improving the housing situa-
7 tions of individuals and families who are homeless or
8 in the worst housing situations in the geographic
9 area;

10 “(2) stabilizing the housing of individuals and
11 families who are in imminent danger of losing hous-
12 ing; and

13 “(3) improving the ability of the lowest-income
14 residents of the community to afford stable hous-
15 ing.”;

16 (C) in subsection (b)(1)—

17 (i) by redesignating subparagraphs
18 (E), (F), and (G) as subparagraphs (I),
19 (J), and (K), respectively; and

20 (ii) by striking subparagraph (D) and
21 inserting the following:

22 “(D) construction of new housing units to
23 provide transitional or permanent housing to
24 homeless individuals and families and individ-
25 uals and families at risk of homelessness;

1 “(E) acquisition or rehabilitation of a
2 structure to provide supportive services or to
3 provide transitional or permanent housing,
4 other than emergency shelter, to homeless indi-
5 viduals and families and individuals and fami-
6 lies at risk of homelessness;

7 “(F) leasing of property, or portions of
8 property, not owned by the recipient or project
9 sponsor involved, for use in providing transi-
10 tional or permanent housing to homeless indi-
11 viduals and families and individuals and fami-
12 lies at risk of homelessness, or providing sup-
13 portive services to such homeless and at-risk in-
14 dividuals and families;

15 “(G) provision of rental assistance to pro-
16 vide transitional or permanent housing to home-
17 less individuals and families and individuals and
18 families at risk of homelessness, such rental as-
19 sistance may include tenant-based or project-
20 based rental assistance;

21 “(H) payment of operating costs for hous-
22 ing units assisted under this title;”;

23 (D) in subsection (b)(2), by striking “ap-
24 propriated” and inserting “transferred”;

25 (E) in subsection (c)—

1 (i) in paragraph (1)(A), by striking
2 “appropriated” and inserting “trans-
3 ferred”; and

4 (ii) in paragraph (3), by striking “ap-
5 propriated” and inserting “transferred”;
6 (F) in subsection (d)—

7 (i) in paragraph (5), by striking “;
8 and” and inserting a semicolon;

9 (ii) in paragraph (6)—

10 (I) by striking “an agreement”
11 and all that follows through “fami-
12 lies” and inserting the following: “a
13 description of how individuals and
14 families who are homeless or who have
15 the lowest incomes in the community
16 will be involved by the organization”;
17 and

18 (II) by striking the period at the
19 end, and inserting a semicolon; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(7) a description of consultations that took
23 place within the community to ascertain the most
24 important uses for funding under this section, in-

1 including the involvement of potential beneficiaries of
2 the project; and

3 “(8) a description of the extent and nature of
4 homelessness and of the worst housing situations in
5 the community.”;

6 (G) by striking subsections (f) and (g) and
7 inserting the following:

8 “(f) MATCHING FUNDING.—

9 “(1) IN GENERAL.—An organization eligible to
10 receive a grant under subsection (a) shall specify
11 matching contributions from any source other than
12 a grant awarded under this subtitle, that shall be
13 made available in the geographic area in an amount
14 equal to not less than 25 percent of the funds pro-
15 vided for the project or activity, except that grants
16 for leasing shall not be subject to any match require-
17 ment.

18 “(2) LIMITATIONS ON IN-KIND MATCH.—The
19 cash value of services provided to the beneficiaries or
20 clients of an eligible organization by an entity other
21 than the organization may count toward the con-
22 tributions in paragraph (1) only when documented
23 by a memorandum of understanding between the or-
24 ganization and the other entity that such services
25 will be provided.

1 “(3) COUNTABLE ACTIVITIES.—The contribu-
2 tions required under paragraph (1) may consist of—

3 “(A) funding for any eligible activity de-
4 scribed under subsection (b); and

5 “(B) subject to paragraph (2), in-kind pro-
6 vision of services of any eligible activity de-
7 scribed under subsection (b).

8 “(g) SELECTION CRITERIA.—The Secretary shall es-
9 tablish criteria for selecting recipients of grants under
10 subsection (a), including—

11 “(1) the participation of potential beneficiaries
12 of the project in assessing the need for, and impor-
13 tance of, the project in the community;

14 “(2) the degree to which the project addresses
15 the most harmful housing situations present in the
16 community;

17 “(3) the degree of collaboration with others in
18 the community to meet the goals described in sub-
19 section (a);

20 “(4) the performance of the organization in im-
21 proving housing situations, taking account of the se-
22 verity of barriers of individuals and families served
23 by the organization;

24 “(5) for organizations that have previously re-
25 ceived funding under this section, the extent of im-

1 provement in homelessness and the worst housing
2 situations in the community since such funding
3 began;

4 “(6) the need for such funds, as determined by
5 the formula established under section 427(b)(2); and

6 “(7) any other relevant criteria as determined
7 by the Secretary.”;

8 (H) in subsection (h)—

9 (i) in paragraph (1)(A)—

10 (I) by striking “The” and insert-
11 ing “Not later than 18 months after
12 funding is first made available pursu-
13 ant to the amendments made by title
14 IV of the Homeless Emergency As-
15 sistance and Rapid Transition to
16 Housing Act of 2008, the”; and

17 (II) by striking “providing hous-
18 ing and other assistance to homeless
19 persons” and inserting “meeting the
20 goals described in subsection (a)”;

21 (ii) in paragraph (1)(B), by striking
22 “address homelessness in rural areas” and
23 inserting “meet the goals described in sub-
24 section (a) in rural areas”; and

25 (iii) in paragraph (2)—

1 (I) by striking “The” and insert-
2 ing “Not later than 24 months after
3 funding is first made available pursu-
4 ant to the amendment made by title
5 IV of the Homeless Emergency As-
6 sistance and Rapid Transition to
7 Housing Act of 2008, the”;

8 (II) by striking “, not later than
9 18 months after the date on which the
10 Secretary first makes grants under
11 the program,”; and

12 (III) by striking “prevent and re-
13 spond to homelessness” and inserting
14 “meet the goals described in sub-
15 section (a)”;

16 (I) in subsection (k)—

17 (i) in paragraph (1), by striking
18 “rural homelessness grant program” and
19 inserting “rural housing stability grant
20 program”; and

21 (ii) in paragraph (2)—

22 (I) in subparagraph (A), by strik-
23 ing “; or” and inserting a semicolon;

24 (II) in subparagraph (B)(ii), by
25 striking “rural census tract.” and in-

1 serting “county where at least 75 per-
2 cent of the population is rural; or”;
3 and

4 (III) by adding at the end the
5 following:

6 “(C) any area or community, respectively,
7 located in a State that has population density
8 of less than 30 persons per square mile (as re-
9 ported in the most recent decennial census),
10 and of which at least 1.25 percent of the total
11 acreage of such State is under Federal jurisdic-
12 tion, provided that no metropolitan city (as
13 such term is defined in section 102 of the
14 Housing and Community Development Act of
15 1974) in such State is the sole beneficiary of
16 the grant amounts awarded under this sec-
17 tion.”;

18 (J) in subsection (I)—

19 (i) by striking the subsection heading
20 and inserting “PROGRAM FUNDING.—”;
21 and

22 (ii) by striking paragraph (1) and in-
23 serting the following:

24 “(1) IN GENERAL.—The Secretary shall deter-
25 mine the total amount of funding attributable under

1 section 427(b)(2) to meet the needs of any geo-
2 graphic area in the Nation that applies for funding
3 under this section. The Secretary shall transfer any
4 amounts determined under this subsection from the
5 Community Homeless Assistance Program and con-
6 solidate such transferred amounts for grants under
7 this section, except that the Secretary shall transfer
8 an amount not less than 5 percent of the amount
9 available under this subtitle for grants under this
10 section.”; and

11 (K) by adding at the end the following:

12 “(m) DIVISION OF FUNDS.—

13 “(1) AGREEMENT AMONG GEOGRAPHIC
14 AREAS.—If the Secretary receives an application or
15 applications to provide services in a geographic area
16 under this subtitle, and also under subtitle C, the
17 Secretary shall consult with all applicants from the
18 geographic area to determine whether all agree to
19 proceed under either this subtitle or under subtitle
20 C.

21 “(2) DEFAULT IF NO AGREEMENT.—If no
22 agreement is reached under paragraph (1), the Sec-
23 retary shall proceed under this subtitle or under sub-
24 title C, depending on which results in the largest
25 total grant funding to the geographic area.”.

1 **SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS**
2 **ASSISTANCE IN RURAL AREAS.**

3 (a) STUDY AND REPORT.—Not later than the expira-
4 tion of the 12-month period beginning on the date of the
5 enactment of this Act, the Comptroller General of the
6 United States shall conduct a study to examine homeless-
7 ness and homeless assistance in rural areas and rural com-
8 munities and submit a report to the Congress on the find-
9 ings and conclusion of the study. The report shall contain
10 the following matters:

11 (1) A general description of homelessness, in-
12 cluding the range of living situations among home-
13 less individuals and homeless families, in rural areas
14 and rural communities of the United States, includ-
15 ing tribal lands and colonias.

16 (2) An estimate of the incidence and prevalence
17 of homelessness among individuals and families in
18 rural areas and rural communities of the United
19 States.

20 (3) An estimate of the number of individuals
21 and families from rural areas and rural communities
22 who migrate annually to non-rural areas and non-
23 rural communities for homeless assistance.

24 (4) A description of barriers that individuals
25 and families in and from rural areas and rural com-
26 munities encounter when seeking to access homeless

1 assistance programs, and recommendations for re-
2 moving such barriers.

3 (5) A comparison of the rate of homelessness
4 among individuals and families in and from rural
5 areas and rural communities compared to the rate of
6 homelessness among individuals and families in and
7 from non-rural areas and non-rural communities.

8 (6) A general description of homeless assistance
9 for individuals and families in rural areas and rural
10 communities of the United States.

11 (7) A description of barriers that homeless as-
12 sistance providers serving rural areas and rural com-
13 munities encounter when seeking to access Federal
14 homeless assistance programs, and recommendations
15 for removing such barriers.

16 (8) An assessment of the type and amount of
17 Federal homeless assistance funds awarded to orga-
18 nizations serving rural areas and rural communities
19 and a determination as to whether such amount is
20 proportional to the distribution of homeless individ-
21 uals and families in and from rural areas and rural
22 communities compared to homeless individuals and
23 families in non-rural areas and non-rural commu-
24 nities.

1 (9) An assessment of the current roles of the
2 Department of Housing and Urban Development,
3 the Department of Agriculture, and other Federal
4 departments and agencies in administering homeless
5 assistance programs in rural areas and rural com-
6 munities and recommendations for distributing Fed-
7 eral responsibilities, including homeless assistance
8 program administration and grantmaking, among
9 the departments and agencies so that service organi-
10 zations in rural areas and rural communities are
11 most effectively reached and supported.

12 (b) ACQUISITION OF SUPPORTING INFORMATION.—
13 In carrying out the study under this section, the Comp-
14 troller General shall seek to obtain views from the fol-
15 lowing persons:

16 (1) The Secretary of Agriculture.

17 (2) The Secretary of Housing and Urban Devel-
18 opment.

19 (3) The Secretary of Health and Human Serv-
20 ices.

21 (4) The Secretary of Education.

22 (5) The Secretary of Labor.

23 (6) The Secretary of Veterans Affairs.

24 (7) The Executive Director of the United States
25 Interagency Council on Homelessness.

1 (8) Project sponsors and recipients of homeless
2 assistance grants serving rural areas and rural com-
3 munities.

4 (9) Individuals and families in or from rural
5 areas and rural communities who have sought or are
6 seeking Federal homeless assistance services.

7 (10) National advocacy organizations concerned
8 with homelessness, rural housing, and rural commu-
9 nity development.

10 (c) EFFECTIVE DATE.—This section shall take effect
11 on the date of the enactment of this Act.

12 **TITLE V—REPEALS AND** 13 **CONFORMING AMENDMENTS**

14 **SEC. 501. REPEALS.**

15 Subtitles D, E, and F of title IV of the McKinney-
16 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,
17 11401 et seq., and 11403 et seq.) are hereby repealed.

18 **SEC. 502. CONFORMING AMENDMENTS.**

19 (a) CONSOLIDATED PLAN.—Section 403(1) of the
20 McKinney-Vento Homeless Assistance Act (as so redesign-
21 nated by section 101(2) of this Act), is amended—

22 (1) by striking “current housing affordability
23 strategy” and inserting “consolidated plan”; and

1 (2) by inserting before the comma the following:

2 “(referred to in such section as a ‘comprehensive
3 housing affordability strategy’)”.

4 (b) PERSONS EXPERIENCING HOMELESSNESS.—Sec-
5 tion 103 of the McKinney-Vento Homeless Assistance Act
6 (42 U.S.C. 11302), as amended by the preceding provi-
7 sions of this Act, is further amended by adding at the end
8 the following new subsection:

9 “(e) PERSONS EXPERIENCING HOMELESSNESS.—
10 Any references in this Act to homeless individuals (includ-
11 ing homeless persons) or homeless groups (including
12 homeless persons) shall be considered to include, and to
13 refer to, individuals experiencing homelessness or groups
14 experiencing homelessness, respectively.”.

15 (c) RURAL HOUSING STABILITY ASSISTANCE.—Title
16 IV of the McKinney-Vento Homeless Assistance Act is
17 amended by redesignating subtitle G (42 U.S.C. 11408
18 et seq.), as amended by the preceding provisions of this
19 Act, as subtitle D.

20 **SEC. 503. EFFECTIVE DATE.**

21 Except as specifically provided otherwise in this Act,
22 this Act and the amendments made by this Act shall take
23 effect on, and shall apply beginning on—

24 (1) the expiration of the 18-month period begin-
25 ning on the date of the enactment of this Act, or

1 (2) the expiration of the 3-month period begin-
 2 ning upon publication by the Secretary of Housing
 3 and Urban Development of final regulations pursu-
 4 ant to section 504,
 5 whichever occurs first.

6 **SEC. 504. REGULATIONS.**

7 (a) IN GENERAL.—Not later than 12 months after
 8 the date of the enactment of this Act, the Secretary of
 9 Housing and Urban Development shall promulgate regula-
 10 tions governing the operation of the programs that are
 11 created or modified by this Act.

12 (b) EFFECTIVE DATE.—This section shall take effect
 13 on the date of the enactment of this Act.

14 **SEC. 505. AMENDMENT TO TABLE OF CONTENTS.**

15 The table of contents in section 101(b) of the McKin-
 16 ney-Vento Homeless Assistance Act (42 U.S.C. 11301
 17 note) is amended by striking the item relating to the head-
 18 ing for title IV and all that follows through the item relat-
 19 ing to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

“Sec. 401. Definitions.

“Sec. 402. Collaborative applicants.

“Sec. 403. Housing affordability strategy.

“Sec. 404. Preventing involuntary family separation

“Sec. 405. Technical assistance.

“Sec. 406. Discharge coordination policy.

“Sec. 407. Protection of personally identifying information by victim service
 providers.

“Sec. 408. Authorization of appropriations.

“Subtitle B—Emergency Solutions Grants Program

- “Sec. 411. Definitions.
- “Sec. 412. Grant assistance.
- “Sec. 413. Amount and allocation of assistance.
- “Sec. 414. Allocation and distribution of assistance.
- “Sec. 415. Eligible activities.
- “Sec. 416. Responsibilities of recipients.
- “Sec. 417. Administrative provisions.
- “Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purposes.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Incentives for high-performing communities.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Selection criteria.
- “Sec. 428. Allocation of amounts and incentives for specific eligible activities.
- “Sec. 429. Renewal funding and terms of assistance for permanent housing.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.
- “Sec. 432. Regulations.
- “Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

- “Sec. 491. Rural housing stability assistance.
- “Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”.

Passed the House of Representatives October 2,
2008.

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

H. R. 7221

AN ACT

To amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.